

PLANNING COMMITTEE – Thursday 26 February 2026

25/2168/OUT - Outline application: Construction of up to 70 residential dwellings (Use Class C3) with associated access onto Oxhey Lane and infrastructure (Appearance, Layout, Landscaping and Scale as reserved matters) at LAND ADJACENT TO WOODLANDS COTTAGE, OXHEY LANE, CARPENDERS PARK, WATFORD, HERTFORDSHIRE.

Parish: Watford Rural

Ward: Carpenders Park

Expiry of Statutory Period: 23 March 2026
Extension of time agreed 28 August 2026.

Case Officer: Suzanne O'Brien

Development type: Major Dwellings

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

Reason for consideration by the Committee: This application has been called in by three members of the Planning Committee due to the size of the application and highways impact.

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=T7AT05QFJ9300>

Executive Summary

This report makes a full assessment of planning application 26/2168/OUT, Outline consent for the construction of up to 70 residential dwellings (Use Class C3) with associated access onto Oxhey Lane and infrastructure (Appearance, Layout, Landscaping and Scale as reserved matters).

The assessment has considered all relevant material planning considerations, including the provisions of the National Planning Policy Framework (NPPF) and The Three Rivers Local Development Plan. The responses from consultees have also been considered, and a list of all consultees is included at section 4 of the report with their full comments provided in **Appendix 1**. With the exception of the Conservation Officer who has commented that the proposal would result in a lower level of less than substantial harm to the setting of the nearby Grade II Listed Building no objections were raised by the consultees.

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

In relation to Green Belt, officers consider that the site is Grey Belt and the proposal accords with clauses (a) – (d) of Paragraph 155 of the NPPF. As such, it is considered that the development is an appropriate form of development in the Green Belt. A lower level of less than substantial harm to the setting of the neighbouring Grade II Listed Building was identified however public benefits would outweigh this harm. Subject to conditions/ S106 legal

agreement there are no objections on highways, amenity or other grounds. The site is allocated (Site CFS13) in the emerging Regulation 19 Site Allocations.

Considering the character of the site and sustainable location no significant adverse impacts or reasons for refusal of the scheme have been identified.

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

Overall, the report clearly demonstrates that the benefits of the scheme, when assessed against the policies in the Framework, clearly outweigh the lower level of less than substantial harm to the heritage asset.

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

1. Relevant Planning History

- 1.1 No relevant planning history.

2. Description of Application Site

- 2.1 The site is approximately 2.7 hectares in area and sited within the Metropolitan Green Belt located adjacent to Watford Heath and the boundary with Watford Borough Council. The site subject to this application predominantly consists of open grazing land with associated low level built form to facilitate the existing grazing of the land. It has an open frontage along Oxhey Lane allowing views of the residential development that adjoins the eastern boundary. The eastern boundary contains a vegetation buffer between the field and residential properties. The site contains protected trees sited within the south eastern corner of the site.
- 2.2 The site adjoins residential properties along the northern and eastern boundaries (both within Watford Borough Council) with the southern boundary adjoins Auburn Mere Residential Home and Woodlands Cottages (sited within Three Rivers). Woodlands Cottages consist of a set of four adjoining two storey cottages where the rear elevations run parallel with the south eastern boundary of the site; the rear amenity spaces adjoins the application site.
- 2.3 The site is located within close proximity to a number of heritage assets including the Watford Heath Conservation Area, that adjoins the northern boundary. A number of locally listed buildings, including the neighbouring property, are sited within the adjacent Conservation Area. To the south west on the opposite side of Oxhey Lane are Oxhey Grange and Oxhey Grange Lodge, both of which are Grade II Listed Buildings.
- 2.4 A pipeline buffer runs parallel to the northern western and north eastern boundaries of the site.

3. Description of Proposed Development

- 3.1 This application seeks outline planning permission for the; 'Construction of up to 70 residential dwellings (Use Class C3) with associated access onto Oxhey Lane and infrastructure with Appearance, Layout, Landscaping and Scale as reserved matters'.
- 3.2 A new pedestrian and vehicular access onto Oxhey Lane would be implemented which would be sited approximately 67m from the north western boundary of the site. The access is being formally considered under this Outline application.
- 3.3 The proposed development would provide up to 70 residential dwellings. As this is outline only, the application is supported by a 'Building Heights' Parameter Plan that indicates that

the development would consist of a mix of 2, 2.5 and 3 storey buildings set back within the site with open green space sited between the development and Oxhey Lane. The above-mentioned parameter plan and Design Code indicate that the 2 storey development would front onto the open space with the 2.5 storey sited behind and the 3 storey development located centrally in the site. The application is also supported by an illustrative master plan and Land Use Parameter Plan to show how the site could be developed. As all matters regarding appearance, layout and scale are reserved this is for illustrative purposes only.

3.4 The application was accompanied by the following plans/reports:

- Application Form
- Proposed plans – including parameter plans and indicative plans
- Air Quality Assessment (Ardent Consulting Engineers, November 2025)
- Arboricultural Implications Report (SJA trees, November 2025)
- Archaeological Desk Based Assessment (rps Group, November 2025)
- Biodiversity Net Gain Report (EPR, November 2025)
- Biodiversity Checklist
- Ecological Impact Assessment (EPR, November 2025)
- Design and Access Statement (Adam Architecture, December 2025)
- Design Code (Adam Architecture, December 2025)
- Flood Risk Assessment and Drainage Strategy Report (ADC, November 2025)
- Heritage Statement (Montagu Evans, December 2025)
- Landscape Visual Impact Assessment and Green Belt Assessment (golby + luck landscape architects, November 2025)
- Preliminary Risk Assessment (IDOM, November 2025)
- Planning Statement (Savills, December 2025)
- Statement of Community Involvement (Savills, December 2025)
- Sustainability and Energy Statement (Blue Sky Unlimited, November 2025)
- Transport Statement (ADC Infrastructure, November 2025)
- Travel Plan (ADC Infrastructure, November 2025)
- Agricultural Land Classification (Savills, June 2025)
- Affordable Housing Statement (Savills, 2026)

4. Consultation

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

Wafford Rural Parish Council	1.1.1	Objection
Three Rivers Development Plans Officer	1.1.2	Comment
Herts County Council Archaeology Officer	1.1.3	No objection
London Underground	1.1.4	No objection
British Pipeline Agency	1.1.5	No objection
National Highways	1.1.6	No objection
Herts County Council Fire and Rescue	1.1.7	No objection
Three Rivers Leisure Officer	1.1.8	No objection
Herts County Council Highways Authority	1.1.9	No objection
Conservation Officer	1.1.10	Heritage harm identified
Herts County Council Minerals and Waste	1.1.11	No objection
East of England Ambulance Service	1.1.12	Comment
Three Rivers Housing Officer	1.1.13	No objection
Herts County Council Growth and Infrastructure	1.1.14	No objection
Affinity Water	1.1.15	No objection
Thames Water	1.1.16	No objection
Watford Environmental Health Officer	1.1.17	No objection
Herts and West Sussex Integrated Care Board	1.1.18	No objection

Cadent Gas	1.1.19	No objection
Watford Borough Council	1.1.20	No objection
Herts County Council Ecology	1.1.21	No objection
Three Rivers Landscape Officer (Arboricultural)	1.1.22	No objection
Herts Lead Local Flood Authority	1.1.23	No objection
Hertsmere Borough Council	1.1.24	Comment
Natural England	1.1.25	No comments received
Network Rail	1.1.26	No comments received
Designing Out Crime Officer	1.1.27	No comments received
Three Rivers Waste and Environmental Protection	1.1.28	No comments received
Environmental Health Officer	1.1.29	No comments received
Three Rivers Transport and Parking Officer	1.1.30	No comments received

4.2 Public/Neighbour Consultation

Number consulted: 122

No of responses received: 54 representations objecting to the proposed development

Site Notice(s): Displayed 20/01/26 Expired 10/02/26

Press Notice: Published 16/01/26 Expired 06/02/26

Summary of Responses:

Loss of Green Belt/impact on character of area and heritage assets:

70 dwellings would be out of character, overdevelopment and would significantly harm Oxhey Lanes residential nature and the surrounding area; Site is where openness and character of the landscape are important; Loss of open land which would cause harm to visual amenity and character of the area; Contrary to Green Belt objectives, purposes and local planning policies; Openness of the field contributes to the rural setting of the area; Harm to setting and significance of the heritage assets including adjacent Grade II Listed buildings; Loss of Green Belt; A breathing space is necessary before Greater London begins; Three storey buildings not suitable for Conservation Area; Inappropriate development that would permanently erode the openness of the landscape and physical separation between South Oxhey and neighbouring settlements; Development further blurs the line between Watford, Three Rivers and London; Green Belt open site demarcates the boundary between Watford and Three Rivers; Represents urban sprawl; Would erode Watford Heath Conservation Area; 2.5/3 storey dwellings will be out of keeping with bungalows; Loss of open countryside; Has not demonstrated very special circumstances; Overdevelopment; Loss of openness will devalue historic character of Watford Heath; Would change semi rural character; Development with other development would merge towns; Not grey belt; Edge of settlement expansion weakening Green Belt permanence; Golden rules do not apply; Impacts of development would be widely experienced.

Infrastructure:

Local infrastructure, which include schools, hospitals, dentist, healthcare services, drainage, and public transport, are already under huge strains with no evidence identifying that existing infrastructure can accommodate a development of this scale; Insufficient local infrastructure to support existing community including lack of school places and difficulty securing doctor's appointments; Shops at Villers Road is too far to walk; Area ran out of drinking water; Lack of sewerage.

Impact on Highway/Transport:

Proposal will increase traffic and congestion on already heavily congested road with heavy queuing; It is a dangerous crossing across Oxhey Lane development will make this worse; Concerns over safety of pedestrians, cyclists and road users due to lack of pavement and poor visibility due to more vehicles; Cumulative impact will place an intolerable burden on the local road network, infrastructure and services; Unsustainable; Exit onto Oxhey Lane is dangerous; Lack of parking will impact on surrounding roads; Site is not sustainable and there will be a heavy reliance on cars; Trains are oversubscribed; Buses are inadequate; Records of collisions along Oxhey Lane; Pinner Road, narrow bridge at Watford Heath and Bushey Arches currently unable to cope with the traffic; Temporary road works cause huge traffic jams; Highways have objected to the scheme; Transport assessment underestimates car use.

Residential Amenities:

Greater levels of noise, air pollution and general disturbance affecting residents along Oxhey Lane and nearby properties; Impact on neighbours amenity through construction noise and dust; Construction of 2.5 to 3 storey development would result in an invasion of the residents of Elm Avenues privacy; Woodland Cottages are on lower ground to the application site concerns dwellings will affect amenities and overlook these neighbouring properties; Loss of privacy; Removal of existing green space would reduce natural screening and increase visual intrusion; High density development on the site is unacceptable; Visual screening will take years to grow; Significant impact on useability of neighbouring gardens.

Environment:

Increase risk of flooding; Concerned about negative impact of wildlife and biodiversity; Area around Oxhey Lane prone to flooding additional development could exacerbate the problems; Land behind Woodlands Cottages is frequently waterlogged and building on the land will exacerbate the problem and affect neighbouring homes; Loss of wildlife corridors along Oxhey Lane; Site is home to lots of wildlife; Loss of vegetation; No clear evidence of adequate ecological mitigation or BNG; Increased concrete will result in flooding of neighbouring properties; Increased activities will affect wildlife; Increased pollution; Within a Ground Source Protection Zone risk of ground water pollution; Site adjoins woodland trust land which shelters wildlife; Development should incorporate swift bricks.

Other:

Cumulative impact of the proposed and other schemes in the area has not been appropriately addressed; True impact of each individual application cannot be adequately considered; Site could not accommodate the parking required to serve the development; Inadequate consultation with community; Not clear if proposal will be affordable; Sustainable drainage may not be suitable in the future; Gas pipeline risk; Devalue properties; Boundary includes no man's land; Loss of green space would adversely affect health and wellbeing; Allowing development would risk prejudicing plan led approach; Inadequate parking result in congestion and obstruction in surrounding roads; Sustainability appraisal is based off assumptions

5. Reason for Delay

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

6. Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6)

Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990.

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

S72 of the Planning (Listed Building and Conservation Area) Act 1990 requires LPAs to have special regard to the desirability of preserving the character and appearance of Conservation Areas.

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

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

The Environment Act 2021.

6.2 National Planning Policy Framework and National Planning Practice Guidance

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

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

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

6.3 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1 (Overarching Policy on Sustainable Development), CP2 (Housing Supply), CP3 (Housing Mix

and Density), CP4 (Affordable Housing), CP6 (Employment and Economic Development), CP8 (Infrastructure and Planning Obligations), CP9 (Green Infrastructure), CP10 (Transport and Travel), CP11 (Green Belt) and CP12 (Design of Development).

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

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

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

The Waste Site Allocations Development Plan Document 2011–2026.

6.4 Other

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

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 (March 2024)

Local Housing Need Assessment (LHNA) Update (March 2024).

Housing Delivery Test Action Plan 2022 (December 2024 update)

Housing Land Supply Update 2024 (December 2024 update)
Landscape Sensitivity Assessment (2019)

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

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

Draft Stage 4 Green Belt Review (2025).

The Local Plan 2026-2042 reached publication stage on 31 July 2026, with the Regulation 19 consultation taking place from 31 July 2026 – 25 September 2026. The Local Plan is presented in two parts. Part I contains detailed planning policies and supplementary appendices, which will be used for determining development proposals. Part II details the site allocations (including site specific requirements), supporting the delivery of the planning policies. The Local Plan 2026-2042 (pre-submission version, July 2026) can be afforded limited weight.

7. **Planning Analysis**

7.1 Principle of development

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

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

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

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

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

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

7.1.3 The development proposes the construction of up to 70 residential units. The Council cannot currently demonstrate a five-year supply of housing land as required by the NPPF and currently has a 1.2-year housing land supply. The delivery of 70 dwellings would make a positive contribution to much needed housing provision within the district. Additionally, there has been an undersupply of affordable housing within the district throughout the plan period and as such there is a pressing need for the delivery of affordable housing. Although the site is located outside of the defined settlements of Three Rivers, it adjoins the boundary of Watford Borough Council (WBC) and is considered to be in a sustainable location in the context of the facilities and services sited within WBC. As such, there are no in principle objections to the development of the site in accordance with Policy CP2 of the Core Strategy.

7.1.4 *Existing Use:* As noted above, the land is predominantly greenfield and used for grazing surrounded by residential development. 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. The Agricultural Land Classification identifies the site to consist of Grade 3b land with Grades 1 and 2 being the highest grade. The site is limited in area and contained by development and the highway. As such, it is not considered that the development would be sited on land considered to be 'best' agricultural land.

7.2 Green Belt

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

7.2.2 Policy CP11 of the Core Strategy (adopted October 2011) sets out that the Council will maintain the general extent of the Green Belt in the District and will encourage appropriate positive use of the Green Belt and measures to improve environmental quality. There will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.

7.2.3 Policy DM2 of the Development Management Policies LDD (adopted July 2013) notes that "as set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below". Relevant to this current application is a) New Buildings, which states "Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in

national policy and other relevant guidance". Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the current NPPF in relation to inappropriate development are not materially different between the two. On that basis, it is considered that Policy DM2 is in accordance with the NPPF and may be afforded weight. The NPPF is considered to contain national policy and therefore relevant guidance and is a material consideration in the assessment of this application.

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

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

7.2.5 NPPF Paragraph 145 states that "Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process". This application does not seek to alter Green Belt boundaries. It proposes development within the Metropolitan Green Belt.

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

7.2.7 NPPF Paragraph 154 states "A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are as follows:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed used including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt;

- h) Other forms of development provided that they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, of for cemeteries and burial grounds; and
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order”.

7.2.8 This application seeks outline consent for the construction of up to 70 dwellings with associated access and infrastructure.

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

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

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

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

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

7.2.12 The contribution the site makes to the purposes of including land within Green Belt has been reviewed within the Stage 1 and Stage 2 Green Belt Reviews. The application site is located within Parcel E5 of the Stage 1 Green Belt Review Strategic Analysis (2017) and part of a larger parcel (Parcel WE7) of the Stage 2 Green Belt Review.

7.2.13 The contents of the Stage 1 and Stage 2 Green Belt Reviews are published documents that hold weight in the assessment of whether the application site contributes to the purposes of including land within Green Belt. The Stage 1 and 2 Reviews were carried out prior to the updates to the NPPF which introduced the concept of Grey Belt, and prior to the publication of the related parts of the NPPG which provide guidance on how sites should be assessed against whether they strongly contribute to the purposes a), b) and d). Below sets out the assessment of the site’s contribution to purposes a), b) and d) based on the individual site circumstances as assessed following site visits and against the criteria set out within the NPPG alongside the evidence as set out within the published Green Belt Reviews.

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

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

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

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

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

7.2.16 The PPG identifies that assessment areas that make only a **weak** or no contribution are likely to include those that:

- are not adjacent to or near to a large built up area
- are adjacent to or near to a large built up area, but containing or being largely enclosed by significant existing development

7.2.16 The site adjoins Watford which is a large built up area. The site itself is predominantly open in character, with the exception of a small single storey building supporting the use of the land for grazing, however the site is enclosed by residential development (including Auburn Mere) along all three sides with Oxhey Lane enclosing the south western boundary. Although the site is open in nature, due to its containment by existing development the proposal would not result in an incongruous pattern of development, for example an extended 'finger' of development, into the Green Belt.

7.2.17 Based on the analysis above the site makes a weak contribution to purpose in preventing urban sprawl of the large built up settlement of Watford. The weak contribution the site plays in relation to purpose a) is supported by the Stage 2 Green Belt Review which identifies the containment of the site and states that Parcel WE7 makes only a limited contribution to purpose a).

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

7.2.18 The PPG states that assessment areas that contribute **strongly** to preventing neighbouring towns merging into one another are assessment areas that are likely to be free of existing development and include all of the following features:

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

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

- forming a small part of the gap between towns

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

7.2.21 The PPG identifies that assessment areas that make only a **weak** or no contribution are likely to include those that:

- do not form part of a gap between towns, or
- form part of a gap between towns, but only a very small part of this gap, without making a contribution to visual separation

7.2.20 The site is open in nature however, the site is visibly contained by development. The site is small in nature and does not form part of a substantial part of a gap between Watford and Carpenders Park and the development of the site would not result in the loss of visual separation of towns. Bushey and Harrow are other nearest adjacent towns but would not serve to close the gaps between Watford and these towns.

7.2.21 Notwithstanding the above assessment of the site's contribution to purpose b), the Stage 1 Green Belt Review identifies that Parcel E5 significantly contributes to purpose b) stating that the land 'Locally, forms part of the remaining gap between Watford Heath and South Oxhey'. The PPG makes it clear that purpose b) 'relates to the merging **of towns, not villages**' this is a different assessment to whether a place is a large built up area as for the assessment of purpose a). It is acknowledged that Watford Heath forms part of Watford which is considered a town. The Stage 1 Green Belt Review identified the following as neighbouring towns:

- Watford and Hemel Hempstead;
- Watford and St Albans;
- Watford and Rickmansworth;
- Rickmansworth and Northwood;
- Watford and Northwood;
- Watford and Pinner;
- Watford and Bushey; and
- Watford and Radlett.

7.2.25 The assessment for Stage 2 Review for parcel WE7 clearly states 'Carpenders Park and South Oxhey is not considered a town in its own right'. Carpenders Park and South Oxhey are a large built up area but are not considered a town. As such, the application site makes a weak contribution to purpose b) in preventing towns from merging.

7.2.26 The proposed development would not merge Watford with any of the identified towns set out within the Green Belt Reviews. The site therefore makes a weak contribution to purpose b.

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

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

7.2.28 In summary, the site makes a weak contribution to purposes (a), (b) and (d).

7.2.29 Annexe 2 of the NPPF which defines Grey Belt also notes that; 'Grey Belt excludes land where the application of the policies relating to the areas of assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development'.

7.2.30 Footnote 7 of the NPPF is provided below. The assets that are not applicable in this case have been struck through and those that do apply have been bolded:

The policies referred to are those in this Framework (rather than those in development plans) relating to: ~~habitats sites (and those sites listed in paragraph 194) and/or designated as Sites~~

~~of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.~~

- 7.2.31 Impacts on the designated heritage assets and areas at risk of flooding are considered in full below, however, none are considered to provide a strong reason for refusing or restricting development.
- 7.2.32 The application site is therefore considered to meet the NPPF definition of Grey Belt.
- 7.2.28 Further, the application site (Site CFS13) is identified in the publicly available emerging Local Plan Site Allocations document as being Grey Belt.
- 7.2.29 It is concluded that the site falls within the definition of Grey Belt. Consideration is therefore had to Paragraphs 155-157 of the NPPF.
- 7.2.30 NPPF 155 states “the development of homes...should also not be regarded as inappropriate where all the following apply:
- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - b. There is a demonstrable unmet need for the type of development proposed;
 - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
 - d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.”
- 7.2.31 In respect of (a) the development would utilise Grey Belt land. Consideration is therefore required to be had to whether the development would fundamentally undermine the purposes taken together of the remaining Green Belt across the area of the plan. The five purposes of Green Belt are set out at 7.2.4 above. Purposes (a), (b) and (d) have been considered above. This leaves purposes (c) ‘to assist in safeguarding the countryside from encroachment’ and (e) ‘to assist in urban regeneration, by encouraging the recycling of derelict and other urban land’. In relation to purpose (e), the proposal does not assist in urban regeneration and therefore the contribution is weak or none.
- 7.2.34 In relation to purpose (c), the site is a greenfield site predominantly used for grazing, and therefore development of the site would run counter to the aim of safeguarding the countryside from encroachment. Although the site is visibly open from public vantage points along Oxhey Lane it is visually contained by existing residential development. Thus, the site has urbanising influences where its containment by residential development would prevent the development from resulting in encroachment into the countryside.
- 7.2.35 The application site sits in Area 1 of the assessment area as set out in the recently publicly available Stage 4 Green Belt Review. The Stage 4 Green Belt Review identifies areas of fundamental importance. Area 1 is considered an area of fundamental importance. The explanation for this assessment identifies: *‘This area of Green Belt may be deemed of fundamental importance to the wider Green Belt as it checks the unrestricted spread of both the south-eastern edge of Watford at Watford Heath and at South Oxhey, containing the potential for sprawl across the A4008 into open land. It also checks the spread of South Oxhey southwards and so preventing a merger with the large built-up area extending out from Greater London at Pinner (Hatch End). The area therefore plays an important role in maintaining the wider gap between Watford, South Oxhey, Carpenders Park and Harrow and London’.*

- 7.2.35 The development of the application site would not undermine the important role that Area 1 plays in maintaining the wider gap between Watford, South Oxhey, Carpenders Park and Harrow and London. As such, the development of the 2.7-hectare site would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area.
- 7.2.36 In respect of Para 155 (b) the council's published 1.2-year housing land supply position is material to this consideration in terms of the assessment of whether the development would meet unmet need. The proposed development would provide both market and affordable housing that would serve to meet unmet needs both in the delivery of housing, mix and unit size.
- 7.2.37 In respect of Para 155 (c) the application site is located on the edge Watford Heath which is a residential settlement that forms part of the town of Watford. The site is located within walking distance of Bushey Station (Bushey Station approximately 16 minute walk) and amenities provided in the nearby roads of Villers Road. These are accessible on foot via lit footpaths. The proposal would not include any off-site improvements to the footpaths leading to the site however the existing contains a lit footpath where the adjacent road is 30mph. The proposal would also include contributions towards improving the existing bus services, where there is a bus stop just to the north of the application site. As a result of the combination of the location of the site within walking distance of amenities and public transport within Watford, combined with the monetary contributions, the proposal would meet the sustainability requirements of (c) taking into consideration the requirements of paragraphs 110 and 115 of the NPPF. The sustainability of the site is discussed in more detail in the relevant section below.
- 7.2.38 In respect of para (d) of 155 of the NPPF, this references Para 156 which states:
- 'Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions ('Golden Rules') should be made:
- a) affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) **until such policies are in place, the policy set out in paragraph 157 below;**
 - b) necessary improvements to local or national infrastructure; and
 - c) the **provision of new**, or improvements to existing, **green spaces that are accessible to the public**. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.'
- 7.2.39 In respect of paragraph 156 (a), the development is proposing 50% affordable homes, with a mix of 71% rented (mix of 70% social rent and 30% affordable rent (capped at LHA)) and 29% shared ownership. The proposal would meet the requirements of paragraph 156(a) of the NPPF. The quantity, tenure mix and unit sizes of the affordable housing provision is discussed in greater detail in Section 7.4 of this report.
- 7.2.40 In respect of (b), the development would provide monetary contributions towards off site infrastructure which would be secured by S106 obligations including monetary contributions to education, waste transfer and healthcare facilities. The infrastructure provisions are set out in detail in Section 7.21 of this report. The proposed development would provide necessary improvements to local infrastructure in accordance with paragraph 156 (b).
- 7.2.41 In respect of (c), the development would provide new green spaces on site including a play area that due to its siting would be accessible for occupants outside of the site. Merry Hill and open space would be accessible on foot from the application site. The proposal would therefore meet paragraph 156(c).

7.2.42 It is considered that the proposed development would comply with the Golden Rules. In accordance with NPPF paragraph 158 **significant weight** should be given in favour of the grant of permission.

7.2.43 The proposed development would be on Grey Belt land and would meet the requirements as set out in paragraph 155 and 156 of the NPPF. The proposal would therefore represent an appropriate form of development within the Green Belt. An assessment of impacts on openness is therefore not required as the proposal is considered an acceptable form of development within the Green Belt in accordance with Policy CP11 of the Core Strategy, Policy DM2 of the DMP LDD and NPPF.

7.3 Impact on Character

7.3.1 Paragraph 131 of the NPPF states that; “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

7.3.2 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'.

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7.3.5 In terms of new residential development, Policy DM1 of the Development Management Policies LDD (adopted July 2013) advises that the Council will protect the character and residential amenity of existing areas of housing from forms of new residential development which are inappropriate for the area. Policy DM1 states that development will only be supported where it can be demonstrated that the proposal will not result in:

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

- 7.3.4 Development Plan Policy DM7 requires development proposals to make a positive contribution to the surrounding landscape. It notes that proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission. The policy also states that the council will support proposals that: contribute to the delivery of Green Infrastructure. In regard to Green Infrastructure Core Strategy Policy CP9 states: 'The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces'.
- 7.3.5 This application is submitted in outline, with only matters of access for detailed consideration. The application is accompanied by a Land Use Parameters Plan (ref. 6517-0003 Rev 06) and Building Heights Parameters Plan (ref. 6517-0006 Rev 05) which demonstrate the extent of built area and green space and the parameters of the building heights. In the event that Outline planning permission was granted, a condition would require that the subsequent Reserved Matters accords with the Land Use Parameters Plan and Building Heights Parameters Plan.
- 7.3.6 The application is also accompanied by an illustrative masterplan which accords with the Land Use Parameters Plan and demonstrates how the site could be developed, with open space and sustainable drainage to the south west and built development north east with a series of roads and walking/cycling routes. It is important to note that the masterplan is submitted for illustrative purposes only to demonstrate how the site could be developed at the quantum proposed.
- 7.3.7 As identified on the Building Heights Parameters Plan, the development would include buildings ranging from 2 storey to 3 storeys in height. It is noted that the character of the surrounding development consists of single and two storey development. However, the proposal would have an integrated approach where the two storey development would be concentrated closer to the front of the site (south east aspect) with the 3 storey having a central location and 2.5 storey development behind. The wider area of Oxhey Village consists of a variety of house types including two storey and three storey flatted development. In light of this, at this time there are no in principle objections to the heights proposed. The scale of built form would however be subject to careful consideration with regards to design, spacing, layout and orientation of the built form at reserved matters stage. The Planning Statement at paragraph 3.11 states that *'it should be noted that the building height parameters are stated as maximums. There is no requirement for residential dwellings to be delivered at these maximum heights'*.
- 7.3.8 It is acknowledged that the character of the site itself would change as a result of the proposed development, with the existing open field replaced by a new residential development with associated open space and infrastructure. Notwithstanding, although the site is open in nature it is characterised by urban influences by the residential development that encloses the site. The site is located within the national Northern Thames Basin Character area and at a local level the Bushey Hill Pasture Landscape Area. The application site was subject to assessment within the Landscape Sensitivity Assessment (2019) (site reference CFS13) that forms part of the emerging local plan evidence base. The assessment identifies the site as having medium to low sensitivity to built development stating:
- 'Although there are some valued features that are characteristic of the Bushey Hill Pastures Landscape Character Area (grazing, equestrian activity, urban containment, mature vegetative screening) and open views into the site from Oxhey Lane and private residential views from Elm Avenue, the overall sensitivity of the site may be reduced by the flat low lying landform and built development within the immediate surrounding area.'*
- 7.3.9 The submitted Landscape Visual Impact Assessment (LVIA) judges the effect on the landscape character of the site to be moderate and moderate to minor due to the loss of open land from close range and private views. Any identified harm, although as being identified

as moderate to minor does not mean that the resultant development would be unattractive or inappropriate.

- 7.3.9 There are already views of built development from public vantage points along Oxhey Lane through the site. The proposal would result in the built form being more prominent from public vantage points however visibility does not mean this will be harmful. The parameters plan identifies that green space between the development and Oxhey Lane would serve to maintain the historic open character of the site and provide a relief between the built form and the highway. The indicative layout of the provision of two storey development along the green space with higher development concentrated behind and highest development with a central position would integrate better with the existing built form. It is considered that the introduction of residential development on this site would not be inappropriate or contrived within the setting.
- 7.3.10 The application is supported by a Design Code which includes a regulatory plan that identifies areas within the site that would require more design control at Reserved Matters stage. The Design Code identifies that the lower density development would be sited along the frontage facing onto the green space that would run alongside Oxhey Lane. The Design Code identifies that consideration has been had to the existing character of the site, heritage assets and character of the area. An appropriately worded planning condition requiring compliance with the Design Code is considered necessary to ensure that subsequent Reserved Matters applications are appropriately informed.
- 7.3.11 Overall, taking into consideration the enclosed nature of the site and suburban influences the proposed development would not result in any significant unacceptable harm to the overall character of the surrounding area including street scene or landscape character. The proposal would be in accordance with Policies CP1, CP3 and CP12 of the Core Strategy, Policies DM1, DM7 and Appendix 2 of the DMP LDD and NPPF.

7.4 Housing Mix

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

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

- 7.4.2 The housing mix is not a matter being determined at Outline stage and would be determined at Reserved Matters stage taking into consideration up to date housing needs.

7.5 Affordable Housing

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

to the provision of affordable housing. As a guide, 70% of affordable housing should be social rented and 30% intermediate.

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

7.5.3 In light of the requirements of paragraph 155 of the NPPF (as referenced within the Green Belt Section above) the application proposes to deliver 50% of the dwellings as affordable units, with the remaining 50% being provided as open market dwellings. The scheme 50% affordable housing provision with a split of 71% rented (the Applicant confirms that a total of 70% of the rented accommodation will comprise Social Rent, with the remaining 30% comprising Affordable Rent), and 30% ownership products. Based on the provision of 70 units table below identifies the number of units that would be delivered per tenure:

Tenure	Proposed mix
Social Rent	18
Affordable Rent	7
Shared Ownership	10
Total	35

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

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

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

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

7.5.6 In terms of mix the proposal would deliver 71% rented accommodation (mix of social and affordable rent) and 29% shared ownership. It is recognised that the tenure mix split would not strictly accord with Policy CP4 of the Core Strategy (adopted October 2011), however, it fully accords with the draft affordable housing policy within the Emerging Local Plan which has been drafted in consultation with Housing colleagues and with regard to the South-West Herts Local Housing Needs Assessment Update (March 2024) and is therefore considered an up to date position in terms of the affordable housing needs of the District. The proposed provision of 50% affordable housing of the tenure mix proposed would also meet the Green Belt Golden Rules.

7.5.7 The tenure would be secured via the S106 Agreement at Outline stage. Although a mix has been identified within the Affordable Housing Statement the mix (in terms of unit sizes) would be secured at Reserved Matters stage. It would be expected that any Reserved Matters application(s) reflect existing needs and the Housing Team would be consulted at the time of Reserved Matters application.

7.5.8 The affordable housing contribution proposed is considered acceptable based on existing housing needs.

7.6 Impact of proposal on heritage assets

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

7.6.2 Paragraph 208 of the NPPF advises that:

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

7.6.3 Paragraphs 212 and 213 of the NPPF state that:

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

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

7.6.4 Paragraph 215 of the NPPF advises that:

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

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

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

- Oxhey Grange (Grade II, List Entry Number 1101593)
- Oxhey Grange Lodge (Grade II, List Entry Number 1174337)
- Watford Heath Conservation Area which the north western boundary adjoins (the Conservation Area contains Locally Important Buildings, including the adjoining neighbouring dwelling).

7.6.7 The Conservation Officer has confirmed that the site only makes a limited contribution to Oxhey Grange itself in terms of setting, due to the physical separation of the two, and the

main open setting of Oxhey Grange being woodland to the south and west. However, with regards to Oxhey Grange Lodge, the Conservation Officer has confirmed that the site makes an important contribution to the understanding of the Lodge as a building set in open countryside historically, particularly as the site is now the only visible area of open space visible in shared public views. Thus, the Conservation Officer confirmed that the site has the potential to impact the significance of the Lodge and Oxhey Grange itself to a lesser extent due to its historic connection to the Lodge. Further the Conservation Officer stated 'The submitted Heritage Statement notes that the Site makes a limited contribution to the character and once rural setting of the Conservation Area'.

- 7.6.8 With regards to the impact of the proposed development on the heritage assets the Conservation Officer stated the following:

'The outline application has been submitted with a detailed Design Code. This has provided several key measures which would limit impact on heritage assets. The access point would be towards the north of the Site, away from the Lodge. Built footprint would be set well back from the road, particularly adjacent to the Lodge, with appropriate building heights and sensitive design, influenced by the local vernacular for the zone nearest to the road. In addition, there is a green corridor to the front/west with appropriate boundary treatments including native hedgerows, timber bollards and chain or estate railings with no timber fencing to be used on rear boundaries facing the public realm.'

The design and mitigation points are all acknowledged and based on the quantum of development provided, the scheme appears to have proposed a high level of mitigation. If officers are minded to grant permission, the Design Code should be secured as an approved document if appropriate in planning terms.

However, due to the visual openness of the Site, it is unlikely that the harm to the Lodge caused by this quantum of development could be fully mitigated. Overall, the proposal would result in a lower degree of less than substantial harm to the significance of the Lodge but would have a neutral impact on Oxhey Grange itself.'

- 7.6.9 In summary, the proposal, based on the layout proposed within the Design Code, is considered to result in less than substantial harm (lower level) to Oxhey Grange Lodge and a neutral impact on Oxhey Grange. No harm to the Conservation Area has been identified.
- 7.6.10 As noted above, the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.6.11 The development would deliver 70 additional houses in a sustainable location where 50% would be provided as affordable housing which would materially contribute to the provision of much needed social rented properties. Considering the current significant under delivery of housing within Three Rivers District with only a 1.2 year housing land supply the proposed development would bring about significant social benefits. The delivery of housing would deliver significant social benefits through the creation of both much needed market and affordable housing and moderate economic benefits through construction jobs and spend within the area. In light of this it is considered that public benefits exist that would outweigh the lower degree of less than substantial harm that would result from the proposed development on the neighbouring Grade II Listed Building and impact on any potential views when exiting the Watford Heath Conservation Area.
- 7.6.12 The Planning (Listed Building and Conservation Areas) Act 1990 considerations are as follows:

'Section 66 of the Planning (Listed Buildings Conservation Areas) Act 1990 places a duty on the LPA to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.'

- 7.6.13 Special regard to the desirability of preserving the setting of the Grade II Listed Oxhey Grange Lodge has been had and historical connection between the site and the Lodge. Considering the design of the scheme retaining green space between Oxhey Lane and the built form, reflective of the existing open nature, and through careful consideration of the design and scale of the buildings fronting the green space it is not considered that a reason for refusal would be justified in relation to the lower degree of less than substantial harm that would result from the proposed development on the Grade II Listed Building. The proposed development would therefore accord with Policy CP12 of the Core Strategy, Policy DM3 of the DMP LDD and the NPPF.

Archaeological Considerations

- 7.6.9 Policy DM3 of the Development Management Policies LDD (adopted July 2013) advises that where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, it must be accompanied by an appropriate desk-based assessment. The submitted HA considers archaeological interest.
- 7.6.10 Herts Archaeology have raised no objections to the development of the site subject to conditions.

7.7 Highways & Transport Impacts

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

7.7.5 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.

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

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

7.7.7 The impact of the proposed highway works were assessed by Hertfordshire County Council as the Local Highway Authority (HCCHA). HCCHA original comments requested amendments to the scheme including:

- Removal of the raised table at the access with Oxhey Lane;
- Double yellow lines along both sides of the access to prevent parking;
- Bus stop improvements at the two nearest stops on Oxhey Lane and Pinner Road including the following improvements:
 - At the south bound bus stop on the northeast side of Oxhey Lane (approximately south-east of the junction with Sherwoods Road)
 - Kassel / easy access kerbs (4 full and 2 transition kerbs)
 - Replacement bus stop pole with a Real Time Information (RTI) pole
 - RTI screen attached to new pole
 - At the north bound bus stop on the west side of Pinner Road (close to the junction of Pinner Road with Watford Heath)
 - Kassel / easy access kerbs (2 full and 2 transition kerbs due to limited space)
 - RTI screen to be installed within shelter.

7.7.8 Following receipt of these comments the suggested amendments to the scheme were made of which the Highways Officer raised no objection. The development would include the addition of a new vehicular access onto Oxhey Lane. A central right hand turn reservation along Oxhey Lane to facilitate turning right into the site would also be implemented with traffic islands sited on either side of the access.

7.8.9 HCCHA confirmed that following review of the submitted proposals there would not be a reason to recommend refusal for the proposals from a highway safety perspective. It is noted that comments have been received that there is history of accidents along Oxhey Lane and that Oxhey Lane is already congested and the proposal would add to this congestion. HCCHA have not raised any objections based on highway safety implications in terms of increase in vehicular traffic and the siting of the junction along Oxhey Lane. HCCHA comments confirm that the submitted junction's assessment uses a baseline traffic date + committed development (including 25/1055/FUL and 25/1020/OUT (although this is noted this application is awaiting a decision from the Secretary of State following a recent public inquiry)). HCCHA have confirmed that no objections are raised stating:

'From a highways and transport perspective, HCC as HA has assessed and reviewed the capacity and modelling results from the proposals in the context of paragraph 116, National Planning Policy Framework (NPPF) (update 2024), which 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, following mitigation, would be severe, taking into account all reasonable future scenarios."

7.8.10 With regards to accessibility of the site the application site is closely connected to Watford and the amenities provided within Watford would be easily accessible from the application site. This includes:

- Bushey Station - 0.7 miles from the application site and approximately 16 minute walk;
- Bromet Primary School – 0.5 miles from the application site and approximately 11 minute walk;
- Local shop on Villers Road – 0.5 miles from the application site and approximately 11 minute walk;
- Table Hall Nursery – 0.5 miles from the application site.

7.8.11 Concerns have been raised that Bushey Station is already at capacity with packed trains; London Underground were consulted in relation to the impacts of the proposed development and no objections were raised.

7.8.12 It is reasonable to assume that access to doctor's surgery would not be easily accessible on foot; however, considering the location of the site and access to other amenities this would not render the site unsustainable. Further, Sherwoods Road bus stop is located close to the north western corner of the site. Bus route 346 provides an hourly bus service which provides access to Delta Gain Bus Stop that is close to Attenborough Surgery. There are also a number of public houses within close proximity of the site. HCCHA have also requested a monetary contribution of £63,000 per annum for 5 years (total of £315,000 index linked by CPI to Feb 2026) to support extending the services including evenings and Sundays.

7.8.13 The site is considered to be located within an accessible location within the District with access to services, amenities and public transport routes that would facilitate the reduction in use of private modes of transport.

7.8.14 No highways objections have been raised in relation to highway safety risks including congestion. The site is considered to be in an accessible and sustainable location. The proposed development would be acceptable in accordance with Policies CP1, CP10 and CP12 of the Core Strategy.

7.9 Vehicle Parking

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

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

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

7.7.11 The parking requirements and layout and siting will be considered at Reserved Matters stage based on the units sizes. It is noted that concerns have been raised that lack of on- site

parking would result in parking on surrounding nearby roads. Any parking would be required to meet the policy requirements based on unit sizes; which the Transport Statement has confirmed would be considered in accordance with local standards. HCCHA have confirmed that the width of the parking spaces should be 2.5m by 5m for a standard space and increased to 2.7m if there is any obstruction on one side or to 2.9m if there is an obstruction on both sides. Any proposed perpendicular parking spaces would need to be provided at a size of 6m by 2.5m.

7.8 Impact on residential amenity of neighbours

- 7.8.1 Paragraph 135 (f) of the NPPF advises that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.8.2 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities. Design Guidelines for residential development are set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.8.3 This application seeks outline consent for the construction of 70 residential units with ancillary green space and access. The submitted information identifies that the buildings would consist of a mix of 2-3 storey buildings including 2.5 storey buildings.
- 7.8.4 The site is surrounded by residential development where the rear amenity spaces back onto the site. The surrounding properties consist of a range of two storey and single storey bungalows with gardens of varied depths. Notably Woodland Cottages which are set on slightly lower ground are a row of four two storey cottages which have shallow rear gardens adjoining the south eastern boundary. The parameters plan indicates that a green buffer would be provided on all boundaries where it adjoins the neighbouring properties; this is shown to be of varied depths. The three storey development would be set in from all boundaries with the neighbouring properties which is encouraged.
- 7.8.5 As the application is in Outline with all matters reserved except access, impact on the neighbouring residential amenities is not a consideration at this stage. However, the reserved matters would be required to ensure that the proposed dwellings are set a sufficient distance back from the neighbouring gardens and/or orientated so as to prevent unacceptable overlooking of the private amenity spaces of the neighbouring properties and create a dominant relationship. This would be especially important if the buildings would exceed 2 storeys in height. Consideration of the siting and orientation of any dwellings to the south of the boundary close to Woodland Cottage will also be required to be sympathetically positioned and orientated to prevent a dominant and unacceptable relationship.
- 7.8.6 It is noted that the outlook of the surrounding neighbouring properties would change from an open field to a residential development. Views of residential development would not automatically cause it to be unacceptable or harmful to the residential amenities of the neighbouring properties. Notwithstanding, as previously advised any reserved matters would be assessed against the siting and positioning of the proposed dwellings and impact on the residential amenities of the neighbouring properties, including impact on the amenity space provision.

7.9 Pollution – Air Quality

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

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

7.9.2 The NPPG provides guidance as to when air quality would be relevant to a planning decision. In summary, it states that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would, amongst other considerations:

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

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

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

7.9.4 The application is accompanied by an Air Quality Report. Air Quality Report (November 2025) which has been reviewed by the Environmental Health Officer who has confirmed that they accept the findings that the development should have negligible impact on air quality and would not require any further information. The report discusses impacts during construction. It identifies that mitigation measures would be required through the submission of a dust mitigation plan (DMP). Any permission would include a condition requiring submission of a DMP.

7.10 Pollution – Noise and Vibration

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

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

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

7.10.3 The proposal would consist of residential development which would be compatible with the surrounding uses thus would not result in unacceptable noise and disturbance. It is not considered that the construction of the site would result in unacceptable noise and disturbance.

7.11 Pollution – Light

- 7.11.1 Policy DM9 of the Development Management Policies LDD (adopted July 2013) sets out that development proposals which include external lighting should ensure that proposed lighting schemes are the minimum required for public safety and security, that there is no unacceptable impact on neighbouring or nearby properties or the surrounding countryside or wildlife.
- 7.12 As the application is in Outline, full details of lighting would be required at Reserved Matters stage or via condition if appropriate.
- 7.13 Pollution – Land Contamination
- 7.13.1 Policy DM9 of the Development Management Policies LDD (adopted July 2013) states that the Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated where the Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land, and there will be no adverse impact on the quality of local ground water or surface water quality.
- 7.13.2 The majority of the site is located within an Outer Source Protection Zone (SPZ2) associated with an Affinity Water public water abstraction approximately 2km west of the site (Eastbury Pumping Station). The application is accompanied by a Preliminary Risk Assessment which has been reviewed by the Environmental Health Officer and Affinity Water. No objections have been raised subject to conditions.
- 7.14 Impact on Wildlife, Biodiversity
- 7.14.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.14.2 Paragraph 187 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by:
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.*
- 7.14.3 Paragraph 192 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should: b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.
- 7.14.4 Policy CP1 of the Core Strategy (adopted October 2011) advises that; “all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to” (amongst other things) (f) “protect and enhance our natural, built and historic environment from inappropriate development and improve the diversity of wildlife and habitats”. Policy CP9 of the Core Strategy (adopted October 2011) advises that; “The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces”.

- 7.14.5 Policy DM6 of the Development Management Policies LDD (adopted July 2013) advises that development should result in no net loss of biodiversity value across the District as a whole.
- 7.14.6 The proposed development would include both on-site and off-site (through credits) biodiversity net gain. Herts Ecology have confirmed that they raise no objections to the baseline calculations of the site.
- 7.14.7 Following the receipt of additional information Herts Ecology have confirmed that the proposed development would not impact on any protected species specifically bats and Great Crested Newts. Thus, no objections are raised subject to conditions.

7.15 Landscaping and Impact on trees

- 7.15.1 Development Management Policy DM6 notes that proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible. It also notes that planning permission will be refused for any development resulting in the loss or deterioration to protected woodland, protected trees, and hedgerows unless conditions can be imposed to secure their protection. It states that where the felling of a tree or hedgerow is permitted, a replacement tree or hedge of an appropriate species, size and in a suitable location will be required.
- 7.15.2 The NPPF sets out at paragraph 193c) that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”.
- 7.15.3 The site consists of an open field used for grazing. It is open in character with three protected trees sited within the southern corner (protected by TPO 181) and varying degrees of vegetation around the boundaries of the site including trees along the boundary with Oxhey Lane. The submitted plans indicate that a small number of poor-quality trees would be removed along the western boundary with the road, but a new area of tree planting and soft landscaping would be established along this boundary which would compensate for these losses. The Landscape Officer raised no objections to the proposed application subject to a tree protection method statement required and further details of proposed remedial landscaping. Landscaping is a reserved matter as such remedial landscaping will be considered at reserved matters application stage.
- 7.15.4 The open space would include both space for sustainable drainage methods and play space including play equipment. The TRDC Leisure Officer has commented on the proposed development and raised no objections subject to a condition that details and management of play equipment and play area be submitted.

7.16 Energy Efficiency

- 7.16.1 Paragraph 161 of the NPPF states that “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.
- 7.16.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

- 7.16.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.
- 7.16.4 The application is accompanied by a Sustainability & Energy Statement (Blue Sky Unlimited, November 2025). This sets out that the proposed development is predicted to exceed Part L 2021 carbon emission reduction requirements.
- 7.16.5 As this application does not seek approval for the appearance or layout of the proposed buildings, any future Reserved Matters submission would provide full details of the energy efficiency of the proposed buildings and demonstrate their ability to comply with Policy DM4, however, the submitted details demonstrate that consideration has been given to sustainability, decarbonisation and energy efficiency at outline stage and illustrate how the development would exceed the requirements of Policy DM4.
- 7.17 Flood Risk and Drainage
- 7.17.1 Policy CP1 of the Core Strategy (adopted October 2011) requires all development in Three Rivers to contribute to the sustainability of the District, by minimising flood risk through the use of Sustainable Drainage Systems. Policy DM8 of the Development Management Policies LDD (adopted July 2013) refers to Flood Risk and Water Resources, and states that development will only be permitted where it would not be subject to unacceptable risk of flooding. It also states that Development in all areas should include Sustainable Drainage Systems to reduce surface water runoff.
- 7.17.2 The site is wholly within Flood Zone 1 as defined by the Environment Agency. Flood Zone 1 signifies areas with the lowest probability of flooding (less than a 0.1% annual probability of river or sea flooding, equating to less than 1 in 1000 chance). It has been identified that the site contains some areas at high risk of surface water flooding. These areas consist of small pockets sited primarily at the edges of the site.
- 7.17.3 The application is supported by a Flood Risk Assessment and Drainage Strategy Report (ADC Infrastructure, November 2025).
- 7.18.4 The LLFA have advised that the submitted details are in accordance with the NPPF and local planning policy and they therefore raise no objection subject to conditions. The requested conditions relate to the provision of detailed designs of a surface water management scheme prior to commencement; a construction phase surface water management plan; details of maintenance and management of SUDs and verification report. The conditions are considered necessary to make the development acceptable in planning terms, ensuring the satisfactory management of local sources of flooding of surface water; to ensure the development achieves a high standard of sustainability; and to ensure that the construction does not result in flooding on or off site.
- 7.18.5 It is noted that concerns have been raised that the site suffers from surface water during wet periods. The provision of a surface water drainage scheme will ensure that all surface water within the site is retained and discharged from the site and would not affect flooding off site and would mitigate the existing small pockets of surface water flooding.
- 7.18.5 Thus the proposed development would be in accordance with Policy CP1 of the Core Strategy and Policy DM8 of the DMP LDD.

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

7.18 Refuse and Recycling

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

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

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

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

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

7.18.5 In respect of domestic and commercial waste, it is considered that further details regarding the storage and management of waste on site would be considered at the reserved matters stage.

7.19 Safety and Security

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

7.19.2 The Designing Out Crime will be considered at Reserved Matters stage.

7.20 Infrastructure Contributions

7.20.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) Charging Schedule sets out that the application site falls within Area C which has a nil (£0) charge.

7.20.2 Currently the following monetary contributions are requested:

HCC Education:

Secondary = £620,243.00 index linked to BCIS (Q1 2024)

SEND = £104,419.00 index linked to BCIS (Q1 2024)

HCC Waste:

Waste transfer station = £7614.00 index linked to BCIS (Q1 2024)

ICB

Healthcare = £117,040.00 (indexed from date of decision)

Herts County Council Highways Authority

Bus improvements = £63,000 per annum for 5 years (total of £315,000.00 index linked by CPI to Feb 2026).

Travel Plan Monitoring = £6000.00 (index-linked RPI March 2014)

7.20.3 Herts Ecology have confirmed that this is a small site and of medium difficulty. Thus, in line with the TRDC BNG fee schedule a monitoring fee of £5,900.00 in association with 30 year monitoring period for the onsite biodiversity net gain proposed would be secured.

7.20.4 Monitoring fees for various parts of the scheme would also be required to be secured. Total calculated to be £1053.00.

7.20.5 With regards to healthcare provision it is noted that the ICB have identified that if the existing healthcare provision would not be able to accommodate the additional patient numbers arising from this development. In light of this the monetary contribution of £117,040 (index linked) seeks to mitigate the health impacts of this development.

7.20.6 It is noted that the Ambulance Service have requested contributions to facilitate infrastructure as a direct result of the development. The LPA consider that this falls within the CIL provisions where a bid can be made via the relevant process rather than being tied to the planning permission.

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

- Affordable Housing – A total of 50% (up to 35) dwellings to be provided as affordable housing, comprising 71% for Rent (of which 70% should be for Social Rent and 30% for Affordable Rent) and 29% Affordable Home Ownership. This would be subject to a Mortgagee in Possession Clause of 5 months.

7.21 Presumption in favour of Sustainable Development and Planning Balances

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

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

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

7.21.2 The Council can only demonstrate a 1.2 year housing land supply. As a result, the policies that are most important for determining the application are deemed to be 'out of date'. In respect of d)i. it has been identified that the proposed development would result in a low level of less than substantial harm to the setting of the Grade II Listed Building. Heritage assets are an asset of particular importance. However, although this harm would weigh against the proposal in the balancing act as identified within Section 7.6 it is not considered that this harm would provide a strong reason to refuse the development.

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

7.21.4 The planning application consideration will be assessed (both harms and benefits) against the following weightings: substantial, significant, moderate and limited.

7.21.5 Although it has been identified that public benefits exist that would outweigh the harm to the heritage asset, harm would still exist that needs to be considered within the tilted balance exercise. The proposed development would result in less than substantial harm to the setting of a Grade II Listed Building. In accordance with Section 66 of The Planning (Listed Building and Conservation Areas) Act 1990 considerations are as follows:

'special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess'.

7.21.6 Paragraph 212 also identifies that:

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

7.21.7 In light of the policy and legislative context of the weight that should be attributed to the protection of heritage assets, **significant weight** would be attributed to the lower level of less than substantial harm identified harm to the setting of the Grade II Listed building.

Benefits of the Scheme

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

Provision of Housing – The delivery of 70 homes will make a significant contribution to the Council's identified shortfall in housing delivery. Considering the 1.2-year housing land supply there is a significant need for housing substantial weight is attributed to the delivery of 35

market houses with 10% self build. **Substantial weight** is attributed to the delivery of 2, 3 and 4 bed market houses, including the provision of up to 7 self build plots.

Provision of 50% Affordable Housing – The delivery of 35 affordable homes represents a substantial and urgently needed intervention. Although the affordable housing would not meet the requirements of Policy CP4 in that it would not meet the 70/30 split it has been confirmed that the affordable housing provision proposed would be the viable split. Further, the proposal would deliver 50% affordable housing. **Substantial weight** is attributed to the delivery of up to 35 affordable units with a high percentage of social rented properties which are the greatest need within the District.

Infrastructure – The proposed development will make contributions to infrastructure provisions which would be as a direct result of the proposed development as such **no weight** is attributed to the provision of contributions towards infrastructure provisions.

Sustainable development - The site is in a sustainable location, policies encourage the provision of development in sustainable locations. However, the site is considered to be sited in a highly sustainable location for the District and the proposal would include contributions to enhance existing bus services and will make improvements to existing bus stop. **Moderate weight** will be attributed to this.

Green Infrastructure – The proposed development would include the provision of green space on site. Considering the existing site is open in appearance and the green space is required to reduce impact on heritage asset and meet policy requirements including meeting the requirements of Grey Belt **no weight** is attributed to the green space provided on site.

Benefits	Weighting in Support
Market Housing	Substantial
Affordable Housing	Substantial
Accordance with Golden Rules	Significant
Sustainable development	Moderate
Infrastructure	No weight
Green Infrastructure	No weight

- 7.21.8 Turning to the performance of the proposal against the relevant key policies in the Framework as set out in paragraphs 66 and 84 of chapter 5; 91 of chapter 7 (which is not relevant to this application); 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12).
- 7.21.9 The development accords with paragraph 66 which states that where major development involving the provision of housing is proposed, decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures. The proposed development would meet identified local needs in accordance with the Development Plan.
- 7.21.10 The site is not isolated, it is consistent with paragraph 84 of the Framework which seeks to restrict isolated developments. The site's accessibility credentials would facilitate journeys by alternative means to the motor car. As such, development would be consistent with paragraphs 110 and 115 of the Framework which seek to actively manage patterns of growth to promote sustainable transport; limit the need to travel; offer a genuine choice of transport modes; provide safe and suitable access for all; and mitigate any significant impacts on the transport network.
- 7.21.11 As Reserved Matters stage it will be ensured that the scheme is consistent with paragraphs 135 and 139 of the Framework as it would deliver an innovative design that would promote high levels of sustainability.

7.21.12 Notwithstanding the significant weight attributed to the impact on the heritage asset, the presumption in favour of sustainable development set out in paragraph 11(d) of the Framework would be met. Furthermore, in addition to the weighting of the benefits set out in this section paragraph 158 of the Framework states that development which complies with the Golden Rules, as is the case here, should be given **significant weight** in favour of the grant of permission.

7.21.13 Overall, it is considered that the significant weight attributed to the lower level of less than substantial harm to the heritage asset, would not significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.

8. Recommendation

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