

PLANNING COMMITTEE – 21 OCTOBER 2021

PART I - DELEGATED

- 11. 21/1271/OUT - Outline Application: Development of up to 70 residential dwellings (Use Class C3) with new access from Gosforth Lane (appearance, landscaping, layout and scale reserved) at FORMER LITTLE FURZE JUNIOR MIXED INFANTS SCHOOL, GOSFORTH LANE, SOUTH OXHEY, WATFORD, HERTFORDSHIRE, WD19 7RE (DCES)**

Parish: Watford Rural
Expiry of Statutory Period: 30.09.2021 (Agreed Extension)
Ward: South Oxhey
Case Officer: Claire Westwood

Recommendation: That Outline Planning Permission be GRANTED subject to conditions.

Reason for consideration by the Committee: Called in by 3 Members of the Planning Committee unless Officers' are minded to refuse because; "The development is a significant one in a sensitive location. There has been significant public interest in proposals on the site and there is concern about flooding".

1 Relevant Planning History

- 1.1 18/1296/OUT - Outline Application: Erection of up to 70 dwellings (Use Class C3) and a 75 bed care home (Use Class C2), with associated new access (appearance, landscaping, layout and scale reserved). Permitted 14.09.2018.
- 1.2 20/1677/FUL - Variation of Conditions 1 (Reserved Matters), 3 (Reserved Matters), 4 (Affordable Housing), 5 (Construction Management Plan), 7 (SUDS Residential), 8 (SUDs Care Home), 9 (SUDs Management), 10 (Site Waste Management Plan), 12 (Tree Protection), 13 (Fire Hydrants) of planning permission 18/1296/OUT: (Outline Application: Erection of up to 70 dwellings (Use Class C3) and a 75 bed care home (Use Class C2), with associated new access (appearance, landscaping, layout and scale reserved)) to allow phasing of the development. Permitted 22.10.2020.
- 1.3 20/2783/DIS - Discharge of Conditions 7 (Surface Water Drainage), 10 (Archaeological Written Scheme of Investigation), 11a (Tree Protection), 12a (Fire Hydrants) and 14 (Woodland Management Plan) pursuant to planning permission 20/1677/FUL. Determined.
- 1.4 21/0180/NMA - Non-material amendment to planning permission 20/1677/FUL: Amendments to Conditions 3, 4, 6, 7, 8, 9, and 11 to ensure phasing requirements can be implemented during the care home phase of development. Permitted 15.02.2021.
- 1.5 20/2807/AOD - Approval of Details: Details pursuant to Condition 1 of Planning Permission 20/1677/FUL comprising layout, scale, appearance and landscaping of the Care Home phase including associated infrastructure such as access routes and drainage and demolition of existing vacant buildings. Permitted 23.03.2021.
- 1.6 21/1296/NMA - Non-Material Amendment to planning permission 20/2807/AOD: Amendments to landscaping plan. Permitted 09.06.2021.
- 1.7 21/1297/DIS - Discharge of Condition 11a (Tree Protection Plan) pursuant to planning permission 20/1677/FUL. Discharged.

2 Description of Application Site

- 2.1 The site is on the south side of Gosforth Lane, South Oxhey. It was previously in education use and accommodated Little Furze JMI School, however the school was closed in December 2004 and the site has been vacant since.
- 2.2 The former Little Furze School site extends to 3.61ha and is surrounded by woodland to the south, east and west, with Gosforth Lane forming the northern boundary. The woodland to the east, as well as land to the south and west of the former school site form part of Oxhey Woods which is designated as a Local Nature Reserve, a Local Wildlife Site, and Publicly Accessible Open Space and is part of the Metropolitan Green Belt. The former school site is allocated within the Site Allocations document as a housing site (reference H(27)) with an indicative capacity of 75 dwellings. The allocated site area was also removed from the Green Belt on adoption of the Site Allocations document.
- 2.3 The application site (red lined area) extends to 2.46ha and includes the residential parcel of the site, as well as the primary access road and spur road. The access road, spur road and attenuation areas to the north of the site are likely to be delivered as part of the recently approved Care Home development on the site.
- 2.4 To the north east part of the site are the former school buildings which comprise a number of single and two storey buildings with flat roof forms which have a staggered footprint. Surrounding the building is tarmac hardstanding. Further hardstanding to the north of the buildings is provided for a parking area accessed via a crossover from Gosforth Lane at the north east of the site. A second crossover approximately 28m to the west serves a service road which runs towards the western part of the site where it is understood that there was previously a second school building, now demolished. There is a pedestrian access at the north west of the site. There are further areas of hardstanding to the south east of the school buildings which were used for play. The remainder of the site is grass and scrub with some trees and larger vegetation.
- 2.5 Land levels fall steeply from the south towards the north of the site reducing by approximately 28m, and generally fall across the site towards the west although there are raised man-made terraces at the west of the site.
- 2.6 Beyond the north of the site are residential dwellings to the north side of Gosforth Lane which are generally two storey terraced properties finished in brick or render, some of which have implemented extensions and alterations including the provision of roof level accommodation.

3 Description of Proposed Development

- 3.1 This application seeks outline planning permission for the erection of up to 70 dwellings (Use Class C3) with associated new access from Gosforth Lane. The matters of appearance, landscaping, layout and scale are all reserved matters.
- 3.2 An indicative site plan has been submitted with the application and demonstrates how the access would be provided to the north-east of the site from Gosforth Lane. The indicative site plan also shows how the site could be developed, however, this is indicative only as the matters of appearance, landscaping, layout and scale are all reserved matters at this stage.
- 3.3 The application is accompanied by:
- Planning, Design and Access Statement
 - Archaeological Statement
 - Archaeological Desk Based Assessment
 - Written Scheme of Investigation
 - Biodiversity Checklist
 - Preliminary Ecological Appraisal

- Flood Risk Assessment
- Phase 1 Geotechnical Investigation
- Transport Assessment
- Tree Survey and Tree Constraints Plan
- Relevant plans including Site Location Plan, Indicative Layout Plan and Indicative Street Scene

4 Consultation

4.1 Consultees

4.1.1 Watford Rural Parish Council: No response received.

4.1.2 Hertfordshire County Council – Highway Authority: [No objection subject to conditions]

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- *a swept path analysis for a fire tender (a 8.1m in length for a standard fire tender and 10.1m for an aerial ladder appliance) to illustrate that a fire tender would be able to get to within 45m of all parts of the footprint of the proposed buildings, turn around and egress the site in forward gear.*

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2. A: Highway Improvements – Offsite (Design Approval)

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as indicated on drawing number 812598 IW XX XX DR C 6015 have been submitted to and approved in writing by the Local Planning Authority.

B: Highway Improvements – Offsite (Implementation / Construction)

Prior to the first use of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

3. Provision of Internal Access Roads, Parking & Servicing Areas

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

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

4. Travel Plan Statement

At least 3 months prior to the first occupation of the approved development a detailed Travel Plan Statement for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be implemented for at least 5 years post-occupation.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

5. Construction Management Plan

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

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

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Highway Informatives

HCC recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN) Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

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

AN) Travel Plan Statement: Further information is available via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

Comments / Analysis

The current application relates to a residential development of 70 dwellings on the former Little Furze Primary School site, Gosforth Lane, South Oxhey. Gosforth Lane is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

A Transport Assessment (TA) has been submitted as part of the application.

The site is an allocated housing site (ref. H27) and the overall site will also support a 75-bed elderly persons home.

Highway Access

There are two existing vehicular access points into the site in addition to one existing pedestrian access point. The proposals include alterations to the existing vehicle access arrangements to create one new bellmouth vehicular access with kerb radii of 8m on either side and carriageway width of 6m in addition pedestrian dropped kerbs / tactile paving, the details of which are shown on drawing number 812598 IW XX DR C 6015. These arrangements have previously been approved as part of the previous outline planning application for this site (ref. 18/1296/OUT) and are considered to be acceptable to support a development of this size.

The applicant would ultimately need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the technical approval of the design and implementation of the highway works including the new/altered access on Gosforth Lane and any works linked to closing off of the existing vehicle accesses (and any necessary highway reinstatement works) including:

- Provision of a new kerbed bellmouth access with a 6m wide access road, 1.8m wide footways on both sides and kerb radii of 8m on either side;
- Tactile paving and pedestrian dropped kerbs on either side of the proposed bellmouth access on Gosforth Lane;
- Reinstatement works (including footway and full height kerbs) associated with the closure of the existing vehicular accesses.

Prior to applying to enter into a Section 278 Agreement with the Highway Authority, the applicant would need to obtain an extent of highway plan (if not previously obtained) to clarify the works which would be within the existing highway. Please see the above conditions and informatives. A Stage 1 Road Safety Audit and Designers Response would also need to be carried out and submitted as part of the Section 278 application.

Internal Site Layout

HCC as Highway Authority would not have an objection to the general layout of the site as shown in the site layout plan (Proposed Site Plan Coloured).

A Section 38 Layout Plan (drawing no. 812598 IW XX DR C 6010) has been included as part of the TA indicating areas to be offered to be dedicated and subsequently adopted as highway. However HCC as Highway Authority would not agree to adopt any of the proposed internal access roads as the route would not be considered to provide a utility and benefit to the wider highway network. However it is recommended that the roads be built to adoptable standards to be in accordance with guidelines as documented in Roads in Hertfordshire: Highway Design Guide.

Furthermore the developer would need to put in place a permanent arrangement for long term maintenance of any of the roads that are not to be dedicated as highway. At the

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

Refuse, Service and Emergency Vehicle Access

A swept path analysis has been submitted as part of the application (drawing no. ST-2392-24) to illustrate that a 11.2m long refuse vehicle would be able to utilise the internal access road network, turn around and egress to the highway in forward gear. The collection method would need to be confirmed as acceptable by Three Rivers District Council waste management.

It is recommended that a swept path analysis for a fire tender (a 8.1m in length for a standard fire tender and 10.1m for an aerial ladder appliance) is submitted as part of the reserved matters application. The proposals would need to illustrate that a fire tender would be able to get to within 45m of all parts of the footprint of the buildings (using access routes of a minimum width of 3.7m, which may be reduced to 3.1 for a gateway/entrance point) and be able to turn around and egress the site in forward gear whilst also not having to reverse more than 20m. This is to ensure that the proposals are in accordance with MfS, RIH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses (and subsequent updates). Hertfordshire Fire & Rescue would also be able to provide more specific advice in relation to this if required at administration.cfs@hertfordshire.gov.uk

Parking

The proposal includes the provision of 139 car parking spaces (152 as part of previous application - 18/1296/OUT). HCC as Highway Authority would not have an objection to the proposed level of on-site car parking. HCC as Highway Authority would however recommend the provision of an appropriate level of electric vehicle charging provision (at least one active charging point per house; at least 20% active provision for all other on-site car parking spaces and passive provision for all other spaces) to promote development in accordance with Hertfordshire's Local Transport Plan and HCC's Sustainability Strategy.

TRDC is the planning authority for the district and therefore ultimately would need to be satisfied with the overall level and type of parking.

Trip Generation & Distribution and Impact on the Surrounding Highway

Baseline traffic flows from 2014 and TemPro growth factors to a 2021 base year have been included in the TA and used to assess the current traffic flows around the site, the approach of which is considered to be acceptable by HCC as Highway Authority. Junctions 9 (Picady) software modelling has then been used to assess the functioning and capacity of the 3 nearby priority t-junctions. The results show that all three junctions function well within capacity with RFC values of well below the recommended 0.85 maximum (at between 0.05 to 0.18 covering both the AM and OM peak).

A trip generation assessment for the proposed elderly people home and 70 residential units has been included as part of the TA, the details of which have been based on trip rate information from the TRICS database. This approach and methods used are considered to be acceptable by HCC as Highway Authority in this respect.

The total number of vehicular trips associated with the proposed uses are estimated to be 38 two-way vehicle movements in the AM peak and 39 two-way vehicle movements in the PM peak, which is significantly less than for the previous use as a primary school. Consequently following assessment of the junction analysis and trip generation, the impact on the operation of the surrounding highway network from the trips generated by

the proposed use(s) would be considered to be acceptable and not a reason to recommend refusal from a highways perspective.

Travel Plan Statement

A Travel Plan Statement would be necessary to be submitted and provided to ensure that the proposals promote and maximise sustainable travel options for future residents and visitors to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The request for a travel plan statement is in accordance with the development size thresholds as laid out in appendix A of HCC's Travel Plan Guidance (Mar 2020).

TRDC has adopted the Community Infrastructure Levy (CIL) and therefore contributions towards local transports schemes as outlined in HCC's South West Herts Growth & Transport Plan would be sought via CIL if appropriate.

Conclusion

HCC as Highway Authority considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informatives.

4.1.3 Hertfordshire Fire and Rescue Service Water Officer: [No objection subject to condition]

RE: Fire Hydrants.

I would like to request a condition for the developer should provide and install hydrants here, at no cost to the county or HFRS; this is to ensure all proposed dwellings are within 90m of a fire hydrant, to provide adequate water for fire fighting.

4.1.4 Herts Ecology: [No objection]

Thank you for consulting Hertfordshire Ecology on the above. I apologise for the delay with this reply. We previously commented on outline development proposals at this location (18/1296/OUT on 10/08/2018) and I have the following comments to make now:

An ecology report has been submitted in support of this outline application – Ecological Assessment, April 2021 prepared by ELMAW Consulting. This report partially updates the ecology report from 2018, which covers a wider area of the school site.

This application site comprises the former school building, amenity grassland (former playing fields), introduced shrubs, scrub and scattered trees. It is surrounded on three sides by Oxhey Woods, an extensive broadleaved woodland Local Wildlife Site and partial Local Nature Reserve and ancient woodland site.

I have no reason to object to the principle of development at this site.

I do not anticipate any adverse effects on the adjacent woodland from the proposals during construction; however the Planning, Design & Access Statement recommends a condition for a CEMP, which I endorse to ensure dust, vehicle movements, etc., do not damage the woodland ecology.

The ecology report provides an adequate assessment of the impact of the proposals and is based on appropriate survey methods and effort. The likelihood of an adverse ecological impact is insignificant, but the report suggests reasonable mitigation measures

to ensure that legally protected species (such as nesting birds, slow-worms and hedgehogs) are not harmed.

Notwithstanding this, clarification on progress of previously agreed capture and off-site translocation of slow-worms across the whole school site, and the need for reptile exclusion fencing, should be provided at the Reserved Matters stage of these proposals.

Similarly, this application site includes the school building and the situation regarding the known bat roosts and any subsequent mitigation, compensation and licence application should be clarified at the Reserved Matters stage of these proposals, or before demolition if sooner.

The proposals will result in the loss of amenity grassland, introduced shrubs, scrub and scattered trees, and although these habitats have limited intrinsic ecological value, this loss will have an impact on local biodiversity. I am pleased to see consideration has been given to ensure the development achieves measurable biodiversity net gain of at least 10% in line with Government expectations (in fact 18% for habitats and 335% for hedgerows is quoted in the submitted documents). This uplift includes implementing a Woodland Management Plan for about 2ha of Oxhey Woods, which is welcomed.

The proposed 15m undeveloped buffer bordering the ancient woodland part of Oxhey Woods, and 5-15m buffer for the remaining recent woodland, is also welcomed. Management of the proposed wildflower grassland in these buffer areas should be secured for the long-term to maintain the quality of the habitat.

Overall, several appropriate biodiversity enhancements have been proposed including native-species and wildlife-beneficial tree, shrub and hedgerow planting; a large SUDs detention pond feature with wetland planting, a small pond, species-rich wildflower areas within buffer land, integrated bat boxes within the fabric of the new buildings, log piles, and gaps in fencing (pop-holes) to allow free movements of hedgehogs. Full details of new species planting/sowing are not known or highlighted at this stage. They should, of course, include appropriate species suitable for the relevant habitat (e.g. wet grassland, emergent and aquatic habitats for the ponds).

To bring all these biodiversity aspirations, mitigation, and enhancements together, I advise a Landscape and Ecological Management Plan (LEMP) is submitted at the Reserved Matters stage or by condition (whichever is appropriate) once details of proposed landscaping are known. This LEMP should describe the final measures agreed to deliver biodiversity net gain from the scheme and should complement the existing Management Plan for the site.

Finally, lighting details addressing impact to nocturnal species feeding and foraging along the woodland edge, and especially for any properties (currently 57 and 58) that abut the woodland, should be provided at the appropriate stage of the planning process.

4.1.5 Herts & Middlesex Wildlife Trust: [Advisory comments]

The proposal appears to be capable of delivering a biodiversity net gain but the full Defra metric excel spreadsheet needs to be supplied to enable scrutiny of the habitat and condition assessments. The application should not be determined without this information.

Officer comment: Whilst not mandatory at this time, the applicant has provided the Biodiversity Metric Calculator as requested.

4.1.6 Herts Property Services: [No comments to make]

Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions.

Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

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

4.1.7 Development Plans: [No objection]

The application site is located in South Oxhey, identified as a Key Centre in the Core Strategy (adopted 2011). The application proposes the erection of up to 70 dwellings; the site is allocated for housing in the Site Allocations LDD (adopted 2014) (site H(27)), with an indicative dwelling capacity of 75 dwellings. Policy SA1 of the Site Allocations LDD states that allocated housing sites will be safeguarded for housing development, which the application complies with in its proposals. Policy SA1 also states that proposals should have regard to the phasing strategy of the site; the application site is phased for 2012-2015 and has not yet been developed. Policy SA1 further states that allocated sites should be developed at an overall capacity which accords generally with the dwelling capacity for the site. Policy CP3 of the Core Strategy (adopted 2011) states that the density of development should be considered on its merits, taking into account the need to:

- a) Respect density levels within existing residential areas particularly within areas of special landscape and/or historic value in the District
- b) Promote higher densities in locations that are highly accessible to public transport, services and facilities.

The Spatial Strategy identifies that amongst the Principal Town and other Key Centres, South Oxhey is one of the most sustainable locations in the District; Policy PSP2 of the Core Strategy states that development in the Key Centres should provide approximately 60% of the District's housing requirements over the Plan period. The Spatial Strategy states that in Key Centres, new development will be directed towards previously developed land and appropriate infilling opportunities within the urban areas. The proposal site is located on previously developed land. The Council has also recognised that the northern portion of the application site is classified as previously developed land through its inclusion in the Brownfield Land Register (published 2017). The proposal therefore complies with the Spatial Strategy and the National Planning Policy Framework's (NPPF) core planning principle of encouraging the effective use of previously developed land.

Policy CP3 of the Core Strategy states that the Council requires housing proposals to take into account the District's range of housing needs, in terms of the size and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). The most recent SHMA was published in January 2016 and has identified the indicative targets for market sector dwelling size within the Three Rivers District, as follows:

- 1 bedroom 7.7% of dwellings
- 2 bedrooms 27.8% of dwellings
- 3 bedrooms 41.5% of dwellings
- 4+ bedrooms 23.0% of dwellings

These proportions should form the basis for the housing mix of development proposals. The application proposes 48 two-bedroom dwellings, 14 three-bedroom dwellings and 8 four-bedroom dwellings. This signifies a significant overprovision of 2 bedroom dwellings and shortfall in the provision of 3 and 4+ bedroom dwellings. Therefore, the proposal is

not consistent with Policy CP3 in providing the necessary size of dwellings identified in the SHMA (2016). However, it is recognised that the proportions of housing mix may be adjusted for specific schemes to take account of market information, housing needs and preferences and specific site factors. If adjustment to the proportions of the housing mix set out in the SHMA (2016) is sought, sufficient information should be provided on how relevant factors have contributed to the mix of housing proposed.

Policy CP4 of the Core Strategy states that all new development resulting in the net gain of one or more dwellings will be expected to contribute to the provision of affordable housing. Around 45% of all new housing needs to be affordable, unless it can be clearly demonstrated that this is not viable. The application proposes 21 affordable dwellings, meaning that 30% of total housing provision is proposed as affordable. This affordable housing contribution fails to meet the 45% provision requirement set out in Policy CP4. Policy CP4 states that as a guide, the tenure split of affordable housing provision should be 70% social rented and 30% intermediate. Of the 21 affordable dwellings proposed, 71% are proposed as social rented and 29% are proposed as intermediate, complying with the tenure split set out in Policy CP4.

The Affordable Housing Statement accompanying the application proposes to utilise Vacant Building Credit (VBC). VBC reduces the requirement for affordable housing contributions based on the amount of vacant floor space being brought back into use or redeveloped. According to the National Planning Practice Guidance (NPPG) (2016), VBC applies to sites where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building. To qualify for VBC, the vacant building also must not have been abandoned (NPPG, para. 23). The NPPG states that when considering how the vacant building credit should apply to a development, LPAs should have regard to the intention of national policy (the reuse or redevelopment of empty and redundant buildings). In doing so, it may be appropriate for authorities to consider:

- Whether the building has been made vacant for the sole purposes of re-development.
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

These circumstances may indicate that VBC is not necessary to bring the vacant or redundant site forward for development, with the intention of national policy being fulfilled as a result. Neither circumstance applies to the application site, indicating that the development is entitled to VBC on this basis.

VBC offers a financial credit which is the equivalent of the gross floorspace of any vacant buildings being brought back into use; this is then deducted from the overall affordable housing contribution calculation. Where there is an overall increase in floorspace in the proposed development (as is the case with this application), the LPA should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan (as stated, Policy CP4 requires that 45% of new housing is affordable). To determine the VBC, the existing floorspace of a vacant building should be credited against the floorspace of the new development (as has been undertaken in the Affordable Housing Statement).

Policy CP12 of the Core Strategy states that there is a requirement to protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. The indicative levels set out in Appendix 2 of the Development Management Policies LDD are 21sqm for a one bed flat and 10sqm per additional bedroom; the proposals should meet the requirements for amenity space set out in Policy CP12.

The site is adjacent to a wildlife site and a Local Nature Reserve. Policy SA2 of the Site Allocations LDD states that measures to avoid adverse impacts and enhance biodiversity will need to be provided by developers, supported by an adequate ecological survey.

4.1.8 Affinity Water: No response received.

4.1.9 National Grid: [Advisory Comments]

Should you be minded to approve this application please can the following notes be included an informative note for the Applicant.

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

4.1.10 Landscape Officer: No response received.

4.1.11 Thames Water: [No objection subject to conditions]

Waste Comments:

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

Following initial investigations, Thames Water has identified an inability of the existing SURFACE WATER infrastructure to accommodate the needs of this development proposal. Thames Water would request that the following condition be added to any planning permission. No development shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents." The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

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

Water Comments:

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

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

Supplementary Comments:

Waste - Thames Water would recommend the developer to further limit the surface water rate.

4.1.12 Environmental Health: [No objection subject to conditions]

Air Quality:

The proposed development meets the stage 1 criteria given in the EPUK/IAQM guidance. Consideration should be given to the potential impacts of neighbouring sources on the site and the impact of the development on the surrounding area. The proposed development may meet the stage 2 criteria. An air quality assessment may be required. The suitability of the site needs to be assessed. It would therefore be preferable for the impacts to be considered at this stage, rather than at a later date to satisfy the requirements of a condition. This would allow us to assess the potential impacts of the development and to evaluate any proposed mitigation measures.

Contaminated Land:

I have reviewed the Ground Investigation prepared by Listers Geo (Report ref. 20.11.036a).

The intrusive investigation identified elevated concentrations of PAHs and TPHs in exceedance of the relevant generic screening criteria at one location (TP03 0.2m bgl). It is expected that the superficial soils across the site generally are to be removed as part of the redevelopment works down to 0.30m and 0.50m bgl with localised additional excavation of soils to significantly greater depths to facilitate the formation of the proposed terraces across the site. TP03 will be beneath a roadway. No remedial measures are considered to be necessary.

The existing structures are yet to be demolished. Sampling beneath the footprint of these structures should be undertaken post demolition. This will allow the site to be fully

characterised and the materials beneath the structures to be assessed, to determine whether they are suitable for reuse.

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

1. Following demolition of the existing structures and prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A supplementary site investigation, allowing the areas of the site that were previously inaccessible to be investigated (i.e. beneath the existing structures) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

ii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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

2. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

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

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

3. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared

in accordance with the requirements of condition 1, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1.

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

4.1.12.1 Officer comment: The suggested conditions regarding contaminated land are included below. With regard to air quality, having discussed with the Environmental Health Officer they accept that as the site is allocated for residential development, already benefits from planning permission and the transport report suggests the proposed use would generate less traffic movements than the previous primary school use, it would not be reasonable to require an Air Quality Assessment. It is also noted that it was not a request at the time of the previous application.

4.1.13 Environmental Protection: [No objection]

Verbal comments querying whether the turning was sufficient to accommodate TRDV refuse collection vehicles. As a result vehicle tracking diagrams were requested from the applicant and were provided to demonstrate that refuse vehicles would be able to access and manoeuvre within the site.

4.1.14 HCC Lead Local Flood Authority: [No objection subject to conditions]

4.1.14.1 Initial comments [Objection]

Thank you for consulting us on the above application for Outline Application: Development of up to 70 residential dwellings (Use Class C3) with new access from Gosforth Lane (appearance, landscaping, layout and scale reserved) at Former Little Furze Junior Mixed Infants School, Gosforth Lane, South Oxhey, WD19 7RD.

The Flood Risk Assessment carried out by Flood Risk Assessment carried out by Stomor reference ST2392/FRA-2105, Rev 0, dated May 2021, and the information submitted in support of this application does not currently provide a suitable basis for assessment to be made of the flood risk arising from the proposed development. In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques the following information is required as part of the flood risk assessment/surface water drainage strategy:

1. Clarification of proposed drainage strategy.
2. Provision of pre-development calculations.

Overcoming our objection:

To address the above points, please see the below comments:

1. We acknowledge that we have recommended conditions previously for a previous application on this site for both the proposed residential and care home development. However, we understand that this is a new outline application for the residential development only therefore we would expect all details of the proposed surface water drainage system to be provided.

We note that the surface water drainage system for the care home is connected into the system for the residential development (as proposed within this application). As the

system will be receiving surface water discharge from outside of the red line boundary, this should be accounted for within the proposed surface water drainage design in order to confirm sufficient capacity.

We note that a number of the submitted documents (for example the Access Road Proposed Drainage Layout Sheets 1 and 2, ref: 812598-IW-XX-XX-DR-C-6007 (, revision P5, dated: 01.03.2021) and 812598-IW-XX-XX-DR-C-6008 (revision P4, dated: 23.02.2021)) refer to an infiltration basin of 892.5m³ volume however this basin is not referenced as including infiltration on any of the other submitted plans. We will require clarification on whether any of the proposed features will be designed for infiltration. This should be incorporated into all provided calculations and infiltration testing to BRE365 standards should be carried out at the specific locations and depths of the proposed infiltration features. This is in order to provide confirmation of the feasibility of the proposed surface water drainage scheme.

If the design principles are to be altered from those originally proposed for previous applications concerning the care home development, we would expect full re-modelling of the proposed drainage system and the entire network to be updated to reflect this which will include the drainage for the care home as both developments are interconnected.

We understand that Thames Water have provided comments and have highlighted that the applicant should follow the sequential approach with regards to the proposed discharge mechanism before connection to the public sewer network. We are aware that Thames Water have identified upgrades required to the surface water network in order to accommodate the additional flows from the development and have requested that these should be completed prior to occupation.

2. We require the provision of detailed calculations showing existing/proposed surface water storage volumes and flows with initial post development calculations/ modelling in relation to surface water carried out for all rainfall events up to and including the 1 in 100 year including an allowance for climate change.

These calculations should also include the surface water discharge from the neighbouring care home site as we understand this is connected into the proposed drainage system for the residential development.

For further advice on what we expect to be contained within the FRA to support an outline planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's policies on SuDS in Hertfordshire.

Informative to the LPA

The applicant can overcome our objection by submitting information which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall and gives priority to the use of sustainable drainage methods.

Please note if the LPA decides to approve details, we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

4.1.14.2 Further comments [No objection subject to conditions]

Thank you for consulting us on the above application for Outline Application: Development of up to 70 residential dwellings (Use Class C3) with new access from Gosforth Lane

(appearance, landscaping, layout and scale reserved) at Former Little Furze Junior Mixed Infants School, Gosforth Lane, South Oxhey, WD19 7RD.

Following a review of the Flood Risk Assessment carried out by Stomor reference ST2392/FRA-2105, Rev 0, dated May 2021 and the additional information provided within the response to the LLFA comments (ref: ST-2392/210716-LLFA Response, dated: 16.07.2021), we can confirm that we the Lead Local Flood Authority (LLFA) have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy.

Following a review of the national Risk of Flooding from Surface Water map, part of the site is predicted to be at risk of surface water flooding in the 1 in 1000 year event (that is an event with a 0.1% chance of occurring in any given year).

The drainage strategy is based on attenuation via porous paving, swales and an attenuation basin and is designed to accommodate a 1:100 + 40% climate change rainfall event. The water will be discharged via a proposed connection to the surface water sewer network at a restricted discharge rate of 15/s.

We therefore recommend the following conditions to the LPA should planning permission be granted.

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment carried out by Stomor reference ST2392/FRA-2105, Rev 0, dated May 2021 and additional information provided within a response to the LLFA's comments (ref: ST-2392/210716-LLFA Response, dated: 16.07.2021), and the following mitigation measures;

1. Implement drainage strategy based on attenuation and discharge into the Thames Water surface water sewer restricted to 15 l/s for rainfall events up to and including the 1 in 100 year + 40% climate change event as indicated on the Indicative Drainage Strategy drawing (ref: ST-2392-12-A, rev: A, dated 09.04.21).
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Implement drainage strategy including porous paving, swales and an attenuation basin.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Condition 2

No development associated with the care home, approved phased access, or drainage attenuation features associated with the care home phase within the residential land parcel, shall take place until the final design of the drainage scheme for the elderly care has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Stomor reference ST2392/FRA-2105, Rev 0, dated May 2021 and additional information provided within a response to the LLFA's comments (ref: ST-2392/210716-LLFA Response, dated: 16.07.2021). The scheme shall also include;

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 15 l/s during the 1 in 100 year event plus 40% of climate change event.
2. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly

labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

3. Detailed surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event.

4. Provision of half drain down times less than 24 hours for proposed SuDS features.

5. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.

6. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site. www.hertfordshire.gov.uk

Condition 3

Upon completion of the drainage works for each site in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include;

1. Provision of complete set of as built drawings for site drainage.

2. Maintenance and operational activities.

3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Informative to the Applicant

We understand from the submitted response to the LLFA comments (ref: ST-2392/210716-LLFA Response, dated: 16.07.2021) that one of the attenuation basins has been incorrectly labelled as an infiltration basin. However, we note that the provided drawings as appendices to this response, for example the Impermeability Plan (ref: 812598-IW-XX-XX-DR-C-6009, rev: P3, dated: 23.02.2021) are still identifying this as an infiltration basin. Therefore, please can we ask that this is corrected if it should be labelled as an attenuation basin.

Informative to the LPA

Please note if the LPA decides to grant planning permission, we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

4.1.14.3 Further comments [No objection subject to conditions]

Thank you for re-consulting us on the above application for Outline Application: Development of up to 70 residential dwellings (Use Class C3) with new access from Gosforth Lane (appearance, landscaping, layout and scale reserved) at Former Little Furze Junior Mixed Infants School, Gosforth Lane, South Oxhey, WD19 7RD.

Following a review of the Flood Risk Assessment carried out by Stomor reference ST2392/FRA-2105, Rev 0, dated May 2021 and the additional information provided within the response to the LLFA comments (ref: ST-2392/210716-LLFA Response, dated: 16.07.2021), we can confirm that we the Lead Local Flood Authority (LLFA) have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy.

Following a review of the national Risk of Flooding from Surface Water map, part of the site is predicted to be at risk of surface water flooding in the 1 in 1000 year event (that is an event with a 0.1% chance of occurring in any given year).

The drainage strategy is based on attenuation via porous paving, swales and an attenuation basin and is designed to accommodate a 1:100 + 40% climate change rainfall event. The water will be discharged via a proposed connection to the surface water sewer network at a restricted discharge rate of 15/s.

We therefore recommend the following conditions to the LPA should planning permission be granted.

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment carried out by Stomor reference ST2392/FRA-2105, Rev 0, dated May 2021 and additional information provided within a response to the LLFA's comments (ref: ST-2392/210716-LLFA Response, dated: 16.07.2021), and the following mitigation measures;

1. Implement drainage strategy based on attenuation and discharge into the Thames Water surface water sewer restricted to 15 l/s for rainfall events up to and including the 1 in 100 year + 40% climate change event as indicated on the Indicative Drainage Strategy drawing (ref: ST-2392-12-A, rev: A, dated 09.04.21).
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Implement drainage strategy including porous paving, swales and an attenuation basin.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Condition 2

No development associated shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Stomor reference ST2392/FRA-2105, Rev 0, dated May 2021 and additional information provided within a response to the LLFA's comments (ref: ST-2392/210716-LLFA Response, dated: 16.07.2021). The scheme shall also include;

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 15 l/s during the 1 in 100 year event plus 40% of climate change event.
2. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
3. Detailed surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event.
4. Provision of half drain down times less than 24 hours for proposed SuDS features.
5. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.
6. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

Condition 3

Upon completion of the drainage works for each site in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include;

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

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Informative to the Applicant

We understand from the submitted response to the LLFA comments (ref: ST-2392/210716-LLFA Response, dated: 16.07.2021) that one of the attenuation basins has been incorrectly labelled as an infiltration basin. However, we note that the provided drawings as appendices to this response, for example the Impermeability Plan (ref: 812598-IW-XX-XX-DR-C-6009, rev: P3, dated: 23.02.2021) are still identifying this as an infiltration basin. Therefore, please can we ask that this is corrected if it should be labelled as an attenuation basin.

Informative to the LPA

Please note if the LPA decides grant planning permission, we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

4.1.15 HCC Waste & Minerals Planning Team: [No objection subject to condition]

I am writing in response to the above planning application insofar as it raises issues in connection with minerals or waste matters. Should the District Council be minded to permit this application, a number of detailed matters should be given careful consideration.

Minerals

In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council'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. In addition the site falls close to the sand and gravel Mineral Safeguarding Area within the Proposed Submission Minerals Local Plan, January 2019. It should be noted that British Geological Survey (BGS) data does not identify any superficial sand/gravel deposits in the area on which the application falls.

Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. Policy 8: Mineral Safeguarding, of the Proposed Submission document relates to the full consideration of using raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.

Whilst it is identified that there could be minerals present, there are unlikely to be significant mineral (sand and gravel) deposits within the area in question. On this basis, development may give rise to 'opportunistic' use of some limited or poorer quality minerals at the site that could be utilised in the development itself. Examination of these

opportunities would be consistent with the principles of sustainable development. The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings.

Waste

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

The Ministry of Housing, Communities and Local Government (MHCLG) sets out in the *National Planning Policy for Waste (October 2014)* the following:

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

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

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction; &

Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the District Council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

It is encouraging to see that the applicant has reviewed Hertfordshire's Waste Core Strategy and Development Management Policies and is committed to preparing a comprehensive waste minimisation strategy.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

The SWMP or Circular Economy statement should be set out as early as possible so that decisions can be made relating to the management of waste arising during demolition

and construction so that building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.

SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the Borough Council.

4.1.16 HCC Archaeology: No response received.

4.1.17 Housing Officer: [Advisory comments]

Policy CP4 of the Adopted Core Strategy requires 45% of new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. As a guide the tenure split should be 70% social rented and 30% intermediate.

The Strategic Housing Market Assessment (2016) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be for 40% 1-bed units, 28% 2-bed units, 29% 3-bed units and 2% 4+ bed units. However, identified need for affordable housing based on the current housing register suggests the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units. The main requirement is for 2 bed 4 person units as we have a high requirement for family sized accommodation.

I understand this development is able to make use of the vacant building credit, meaning you will be providing 18 affordable dwellings. It is encouraging to see that you intend to provide the Affordable Housing onsite, please clarify what your proposal is to meet the requirement.

In the first instance social rented housing should be provided, however if this is not viable and Affordable rent is agreed then a lower percentage would be negotiated with a maximum capped at local housing allowance rates.

4.1.18 Herts. Constabulary: [No objection]

I can see that security is mentioned in the Design and Access statement, however owing to the crime in the area I would ask that the entire development is built to the police security standard Secured by Design (SBD). The architects Vincent and Gorbing are familiar with SBD requirements.

Physical Security (SBD)

Layout / Boundary:

Good surveillance throughout the site, 1.8 m close board fencing required to secure garden boundaries for houses.

Communal door sets for flats:

Certificated to BS PAS 24: 2016, or LPS.1175

Access Control to flats:

Audio Visual. Tradespersons release buttons are not permitted under SBD requirements.

Postal delivery for communal dwellings (flats):

Communal post boxes within the communal entrances or through front doors with post office being given access fob.

Individual front entrance doors for houses and flats

Certificated to BS PAS 24:2016

Windows: houses and flats:

Ground floor windows and those easily accessible certificated to BS PAS 24:2016 or LPS 1175 French doors for balconies:

Dwelling security lighting houses and flats:

Communal entrance hall, lobby, landings, corridors and stairwells, and all entrance/exit points. (Dusk to dawn lighting).

Bin stores & Utility store

Secure LPS1175 SR 2 door with fob.

Car Parking:

Its great to see that adequate parking has been provided and is situated in front of dwellings providing good natural surveillance.

Compartmentalisation of Developments incorporating multiple flats.

Larger developments can suffer adversely from anti-social behaviour due to unrestricted access to all floors to curtail this either of the following is advised:

Controlled lift access, Fire egress stairwells should also be controlled on each floor, from the stairwell into the communal corridors.

Dedicated door sets on each landing preventing unauthorised access to the corridor from the stairwell and lift Secured by Design recommends no more than 25 flats should be accessed via either of the access control methods above.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 316 No of responses received: 2 (objections)

4.2.2 Site Notice: Expired 18.06.2021 Press notice: Expired 19.06.2021

4.2.3 Summary of Responses:

- Flooding risk. Existing problems would be exacerbated.
- Further information regarding parking requested. Surrounding roads already struggle to accommodate the number of cars.
- Parking should be assessed in the evening when situation is at worst.
- Obstruction of driveways and footways.

5 Reason for Delay

5.1 No delay.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2021 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This

applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.2 The Three Rivers Local Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM3, DM4, DM6, DM7, DM8, DM9, DM10, DM11, DM12, DM13 and Appendices 2 and 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1 and site H(27) are relevant.

6.3 Other

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

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 Planning Analysis

7.1 Background

7.1.1 Outline Planning Permission (ref. 18/1296/OUT) was granted on 14 September 2019 for the 'Erection of up to 70 dwellings (Use Class C3) and a 75 bed care home (Use Class C2), with associated new access (appearance, landscaping, layout and scale reserved)'.

7.1.2 When Outline Planning Permission was granted, it was unknown to the applicant whether the Reserved Matters would be submitted in relation to the whole development (care home and residential elements) or whether this would be done in two Phases.

7.1.3 A subsequent application (ref. 20/1677/FUL) was submitted to vary certain planning conditions attached to the Outline Planning Permission to enable the phasing of the development. This was permitted on the 15 February 2021.

7.1.4 A Reserved Matters application was then submitted to approve the matters reserved by Condition 1(a) of Outline Planning Permission ref. 18/1296/OUT (the "Reserved Matters"), these being Scale, Appearance, Landscaping and Layout of the proposed Care Home development. Details relating to the residential phase were not submitted. The Reserved Matters application was permitted on the 23 March 2021.

7.1.5 Condition 1(b) of Outline Planning Permission ref. 18/1296/OUT required the submission of an application for the Reserved Matters relating to the residential phase of the development by 14 September 2021, however, no such application has been submitted within this period. As such, a further Outline Planning application (the current application ref. 21/1271/OUT) has been submitted for the residential phase of the development comprising up to 70 residential dwellings and reflects that previously approved on site.

7.2 Outline Nature of Development

7.2.1 The application has been submitted in outline with all matters apart from access reserved for future determination. Should Outline Planning Permission be granted, the reserved matters of appearance, landscaping, layout and scale would need to be submitted as formal applications for consideration.

7.2.2 The indicative site plan demonstrates how the access would be provided (this is in line with the previous Outline consent), along with the capacity of the site for development. The indicative site plan submitted as part of the application shows how the site could potentially be developed, but approval is not sought for these details within the application and these are taken into account as indicative only. Therefore while the assessment may acknowledge the appearance, landscaping, layout and scale of the development indicated, the detail of these matters would be assessed at a subsequent stage should outline planning permission be granted.

7.3 Principle of Development

7.3.1 Little Furze School was closed in December 2004. The development would result in the loss of the existing education use from the site. However, the site is allocated for residential development in the Site Allocations document and given the allocation of the site, an objection to the loss of this education use through redevelopment of the site would not be justified. It is also acknowledged, as set out in the planning history (section 1) and background (section 7.1) above, that Outline Planning Permission has been previously granted for the redevelopment of the site.

7.3.2 The application site is located in South Oxhey, identified as a Key Centre in the Core Strategy (adopted 2011). The application site is identified as an allocated housing site in the Site Allocations document (reference H(27)). This allocation refers to an indicative capacity of 75 dwellings and phasing of 2012-2015.

7.3.3 Policy SA1 of the Site Allocations LDD (adopted November 2014) advises that allocated housing sites will be safeguarded for housing development and the application complies with the policy in this regard. Policy SA1 also states that proposals should have regard to the phasing strategy of the site; the application site was phased for 2012-2015 but has not yet been developed. Policy SA1 further states that allocated sites should be developed at an overall capacity which accords generally with the dwelling capacity for the site.

7.3.4 The application proposes the erection of up to 70 dwellings, however, it is acknowledged that planning permission has also been granted for a 75 bed care home on a separate part of the allocated site. As set out in the Three Rivers Housing Land Supply (2020 update), the Council uses a conversion ratio of 1.9 bedrooms in C2 use equating to 1 market dwelling; a 75 bed care home equates to approximately 39 dwellings. Therefore when considering the wider site, the development as a whole would be equivalent to a total of 109 dwellings (34 dwellings higher than the indicative capacity of 75 dwellings

identified for the site). Whilst it is noted that this is higher than the indicative capacity, Outline Planning Permission has been previously granted for a development of the same scale and the site is considered to be able to comfortably accommodate this level of development. This is in accordance with Policies which seek to make efficient use of land.

7.3.5 This amount of development was approved pursuant to Outline Planning Permission (ref. 18/1296/OUT) as since the Development Plans adoption in 2014, detailed survey work had been undertaken which demonstrated to the satisfaction of Officer and Members that the site has capacity for 70 dwellings plus 75 bed care home.

7.3.6 The current Outline Application conforms with the previously approved Outline Planning Permission in this regard.

7.3.7 Policy CP3 of the Core Strategy (adopted 2011) states that the density of development should be considered on its merits, taking into account the need to:

- a) *Respect density levels within existing residential areas particularly within areas of special landscape and/or historic value in the District*
- b) *Promote higher densities in locations that are highly accessible to public transport, services and facilities.*

7.3.8 The Spatial Strategy identifies that amongst the Principal Town and other Key Centres, South Oxhey is one of the most sustainable locations in the District; Policy PSP2 of the Core Strategy states that development in the Key Centres should provide approximately 60% of the District's housing requirements over the Plan period. The Spatial Strategy states that in Key Centres, new development will be directed towards previously developed land and appropriate infilling opportunities within the urban areas. The application site is located on previously developed land. The Council has also recognised that the northern portion of the application site is classified as previously developed land through its inclusion in the Brownfield Land Register (published 2017).

7.3.9 The proposal therefore complies with the Spatial Strategy and the National Planning Policy Framework's (NPPF) core planning principle of encouraging the effective use of previously developed land.

7.4 Housing Mix

7.4.1 Policy CP3 of the Core Strategy (adopted October 2011) advises that new development should provide a range of house types and sizes to reflect the existing and future needs of the Three Rivers population and the characteristics of housing in the area and sets out that proposals should take into account the range of housing needs as identified in the Strategic Housing Market Assessment and subsequent updates.

7.4.2 The Strategic Housing Market Assessment (2016) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be for 40% 1-bed units, 28% 2-bed units, 29% 3-bed units and 2% 4+ bed units. However, identified need for affordable housing based on the current housing register suggests the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units. The main requirement is for 2 bed 4 person units as we have a high requirement for family sized accommodation.

7.4.3 Whilst the indicative layout plan is for reference purposes only, the quantum of development shown on this plan is indicated in the table below:

| | |
|-----------|----------|
| 2 bedroom | 48 (69%) |
| 3 bedroom | 14 (20%) |

| | |
|-----------|---------|
| 4 bedroom | 8 (11%) |
| Total | 70 |

7.4.4 Whilst the indicative housing mix would fail to comply with Policy CP3 of the Core Strategy (adopted October 2011), it is acknowledged that the Core Strategy recognises that these proportions may need to be adjusted taking account of market information, housing needs and preferences and specific site factors. To that regard it is acknowledged that the wider site proposals include a care home which would release a range of housing, through providing more appropriate accommodation for people with care needs. Whilst the housing mix would not strictly accord with Policy CP3, it is not considered that a development of this form would prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.5 Affordable Housing & Vacant Building Credit

7.5.1 Policy CP4 of the Core Strategy states that all new development resulting in the net gain of one or more dwellings will be expected to contribute to the provision of affordable housing. Around 45% of all new housing needs to be affordable, unless it can be clearly demonstrated that this is not viable. As a guide the tenure split should be 70% social rented and 30% intermediate.

7.5.2 The application proposes 18 affordable dwellings, meaning that 26% of total housing provision is proposed as affordable. This affordable housing contribution fails to meet the 45% provision requirement set out in Policy CP4, however, the application proposes to utilise Vacant Building Credit (VBC). This approach reflects that taken at the time of the original Outline Planning Application. VBC reduces the requirement for affordable housing contributions based on the amount of vacant floor space being brought back into use or redeveloped.

7.5.3 The NPPF (paragraph 64) advises that to support the re-use of brownfield land, where vacant buildings are being reused or re-developed, any affordable housing contribution should be reduced by a proportionate amount.

7.5.4 Further guidance is provided in the Planning Practice Guidance, VBC applies to sites where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building. To qualify for VBC, the vacant building also must not have been abandoned. The NPPG states that when considering how the vacant building credit should apply to a development, LPAs should have regard to the intention of national policy (the reuse or redevelopment of empty and redundant buildings). In doing so, it may be appropriate for authorities to consider:

- Whether the building has been made vacant for the sole purposes of re-development.
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

7.5.5 As established by the previously approved outline application, neither of these considerations apply to the vacant school building on site, which has been vacant since 2004 when the Little Furze primary school closed.

7.5.6 VBC offers a financial credit which is the equivalent of the gross floorspace of any vacant buildings being brought back into use; this is then deducted from the overall affordable housing contribution calculation. Where there is an overall increase in floorspace in the proposed development (as is the case with this application), the LPA should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan (Policy CP4 requiring that 45% of new housing is affordable). To

determine the VBC, the existing floorspace of a vacant building should be credited against the floorspace of the new development. This has been undertaken in the Planning and Design and Access Statement which has been checked by officers and found to be correct and equates to 13.23 dwellings VBC. 45% of 70 dwellings would equate to 31.5 dwellings, therefore when deducting the VBC allowance (13.23 dwellings), there would be a requirement for 18.27 affordable dwellings. As set out at 7.5.2, 18 affordable dwellings are proposed which would accord with Policy and would be secured via condition on any grant of consent.

7.5.7 Policy CP4 states that as a guide, the tenure split of affordable housing provision should be 70% social rented and 30% intermediate. Of the 18 affordable dwellings proposed, 70% social rented would equate to 13 dwellings and 30% intermediate would equate to 5 dwellings. The tenure split would comply with Policy CP4 of the Core Strategy (adopted October 2011). The affordable housing would be secured via condition on any grant of consent.

7.6 Impact on Character and Street Scene

7.6.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to “have regard to the local context and conserve or enhance the character, amenities and quality of an area”.

7.6.2 Policies CP3 and CP12 of the Core Strategy (adopted October 2011) set out that development should make efficient use of land but should also “have regard to the local context and conserve or enhance the character, amenities and quality of an area”.

7.6.3 In terms of new residential development, Policy DM1 of the Development Management Policies LDD (adopted July 2013) advises that the Council will protect the character and residential amenity of existing areas of housing from forms of new residential development which are inappropriate for the area. 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.)

7.6.4 The Design Criteria at Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that new development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.

7.6.5 Traffic generation, access for service vehicles and impact on residential amenity are considered in the relevant analysis sections below and it is noted that the proposal would not result in tandem development.

7.6.6 Matters of scale, landscaping, layout and appearance are Reserved Matters, and therefore there is no detailed assessment available as part of this application in respect of the potential design of the proposal. However, the surrounding area is residential with groups of houses fronting the roads, with parking to the front.

7.6.7 Existing development within the area is predominantly two-storeys and the indicative details provided indicate that the residential development would be up to three-storeys in height. However, the indicative masterplan also demonstrates generous spacing within and around the site and it is considered that the application site could accommodate a residential development of a design and appearance which would preserve the character of the area.

7.7 Impact on amenity of neighbours

7.7.1 Policy CP12 of the Core Strategy (adopted October 2011) states that development should “protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space”. Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

7.7.2 The site is considered capable of accommodating residential development while protecting the residential amenities of neighbouring properties with a full assessment of the impact of scale, layout, landscaping and appearance to be made as part of any subsequent Reserved Matters application.

7.8 Amenity for future occupiers

7.8.1 The application only provides indicative details of the layout of the site, and therefore a full assessment of the quality of the accommodation and quantum and quality of amenity space cannot be made at this time. However, with regard to the indicative masterplan it is considered that sufficient space would be available to provide acceptable levels of amenity space provision to serve the proposed development. This would be fully considered as part of any subsequent Reserved Matters application.

7.9 Wildlife and Biodiversity

7.9.1 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.

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

7.9.3 A Preliminary Ecological Assessment (PEA) was submitted and approved pursuant to the previous Outline planning application. The PEA concluded that the relative ecological value of the site is deemed to be of site value only although the adjacent Oxhey Wood Local Wildlife Site is of District value. The redevelopment proposals were not predicted to have any direct impact on the woodland and the creation of a 15 metre woodland buffer was considered to limit any indirect affects as a result of the construction and post-development use of the site. The loss of low value habitats within the site was not considered to have a significant impact on important habitats. The PEA recognised that the redevelopment of the site would have a direct impact on roosting bats and slow worms - both protected species/species groups. However, appropriate mitigation measures were proposed which included the licensed exclusion of bats from the existing school building to ensure none are harmed in the demolition of the building and suitable compensatory

measures to ensure the favourable conservation status of the local bat population is maintained.

- 7.9.4 In relation to reptiles, mitigation measures were proposed to ensure that no reptiles were harmed during the site's redevelopment, a mitigation strategy for translocation was proposed, which involves the complete removal of slow worms from the site. To ensure that nesting birds, hedgehogs and badgers are not harmed as a result of the site's redevelopment, mitigation measures of sensitive avoidance timing or careful hand-searching by a suitably qualified Ecologist were also proposed to be implemented.
- 7.9.5 The current application is submitted with an updated PEA which details the proposed ecological mitigation and enhancement measures. It is noted that to facilitate development of the recently approved care home on the site, slow worm translocation has been undertaken and a bat licence attained for the removal of bats from the school building prior to demolition. The approved Woodland Management Plan also sets out a strategy for coppicing within the adjacent woodland to further enhance the local biodiversity.
- 7.9.6 Whilst not mandatory at this time, in response to the comments from Herts and Middlesex Wildlife Trust, the applicant has submitted the Defra Biodiversity Metric Calculator which demonstrates measurable biodiversity net gain (16%).
- 7.9.7 In summary, subject to conditions the development would not result in harm to biodiversity and protected species and would accord with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

7.10 Trees and Landscaping

- 7.10.1 To the east of the site is Oxhey Woods Local Nature Reserve. Within this is Abbots Wood which is ancient and semi-natural woodland. Within the application site the grounds are predominantly laid to grass with occasional scattered trees. None of the trees within the site are subject of Tree Preservation Orders.
- 7.10.2 Policy CP12 of the Core Strategy (adopted October 2011) expects development proposals to "have regard to the character, amenities and quality of an area", to "conserve and enhance natural and heritage assets" and to "ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features".
- 7.10.3 Policy DM6 of the Development Management Policies LDD (adopted July 2013) sets out requirements in relation to trees, woodlands and landscaping and sets out that:
- i) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
 - ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the Hedgerow Regulations 1997.
 - iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant standards.
 - iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.

v) Planning permission will be refused for any development resulting in the loss or deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows, unless conditions can be imposed to secure their protection.

7.10.4 The application is accompanied by a Tree Survey and Arboricultural Impact Assessment. The proposals seek to retain all trees remote from the dwellings and SuDS attenuation pond. Whilst some tree removal is necessary within the centre of the site, this has been previously accepted as the trees in question are of relatively poor condition/value or are species which are generally not appropriate for retention close to residential development.

7.10.5 Whilst landscaping is a Reserved Matter, the indicative layout shows how the open spaces, woodland buffer and access roads could be landscaped to provide a visually attractive development. The proposed layout provides plenty of scope for new planting which would mitigate for the losses. In addition, a 15 metre buffer zone separating the ancient woodland has been maintained with minimal development, only requiring footpath encroachment. This area will be a wildflower meadow with informal tree groups.

7.11 Highways/Access

7.11.1 Policy CP10 of the Core Strategy (adopted October 2011) sets out that development will need to demonstrate that it provides a safe and adequate means of access and requires development to make adequate provision for all users, including car parking, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians.

7.11.2 Details of access are provided at this stage and the submitted details and Transport Assessment (TA) have been reviewed by HCC as Highways Authority (HCCHA) who raises no objection subject to conditions.

7.11.3 There are two existing vehicular access points into the site in addition to one existing pedestrian access point. The proposals include alterations to the existing vehicle access arrangements to create one new bellmouth vehicular access with kerb radii of 8m on either side and a carriageway width of 6 metres, in addition to pedestrian dropped kerbs / tactile paving, the details of which are shown on drawing number 812598 IW XX DR C 6015. HCCHA note that these arrangements have previously been approved as part of the previous outline planning application for this site (ref. 18/1296/OUT) and are considered to be acceptable to support a development of this size.

7.11.4 HCCHA comment that the applicant would ultimately need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the technical approval of the design and implementation of the highway works including the new/altered access on Gosforth Lane and any works linked to closing off of the existing vehicle accesses (and any necessary highway reinstatement works) including:

- Provision of a new kerbed bellmouth access with a 6m wide access road, 1.8m wide footways on both sides and kerb radii of 8m on either side;
- Tactile paving and pedestrian dropped kerbs on either side of the proposed bellmouth access on Gosforth Lane;
- Reinstatement works (including footway and full height kerbs) associated with the closure of the existing vehicular accesses.

7.11.5 HCCHA have no objection to the general layout of the site as shown on the indicative layout plan. They note that a Section 38 Layout Plan (drawing no. 812598 IW XX DR C 6010) has been included as part of the TA indicating areas to be offered to be dedicated and subsequently adopted as highway. However HCCHA would not agree to adopt any of the proposed internal access roads as the route would not be considered to provide a utility and benefit to the wider highway network. However it is recommended that the roads be built to adoptable standards to be in accordance with guidelines as documented

in Roads in Hertfordshire: Highway Design Guide. The developer would need to put in place a permanent arrangement for long term maintenance of any of the roads that are not to be dedicated as highway.

- 7.11.6 With regards to refuse, service and emergency vehicle access, HCCHA note that a swept path analysis has been submitted as part of the application (drawing no. ST-2392-24) to illustrate that a 11.2m long refuse vehicle would be able to utilise the internal access road network, turn around and egress to the highway in forward gear. Further tracking details were requested by TRDC Environmental Protection who raise no objection. However, HCCHA recommended that a swept path analysis for a fire tender (a 8.1m in length for a standard fire tender and 10.1m for an aerial ladder appliance) is submitted as part of the Reserved Matters application.
- 7.11.7 The total number of vehicular trips associated with the proposed uses are estimated to be 38 two-way vehicle movements in the AM peak and 39 two-way vehicle movements in the PM peak, which is significantly less than for the previous use. Consequently following assessment of the junction analysis and trip generation, the impact on the operation of the surrounding highway network from the trips generated by the proposed use(s) would be considered to be acceptable and not a reason to recommend refusal from a highways perspective.
- 7.11.8 A Travel Plan Statement would be necessary to be submitted and provided to ensure that the proposals promote and maximise sustainable travel options for future residents and visitors to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The request for a travel plan statement is in accordance with the development size thresholds as laid out in appendix A of HCC's Travel Plan Guidance (Mar 2020).
- 7.11.9 In summary, HCCHA considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of appropriate planning conditions and informatives.

7.12 Parking

- 7.12.1 The parking standards indicate that a 2-bedroom dwelling should provide 2 spaces (1 assigned space); a 3-bedroom dwelling should provide 2.25 spaces (2 assigned spaces); and a 4+ bedroom dwelling should provide 3 spaces (3 assigned spaces).
- 7.12.2 Based on the original indicative details provided that detailed 48 x 2-bedroom units; 14 x 3-bedroom units and 8 x 4-bedroom units, the proposed development would generate a total requirement for 151.5 spaces (86 assigned).
- 7.12.3 The indicative site plan indicates that car parking provision for 140 vehicles would be provided which would represent a small shortfall of 11.5 spaces across the development, however, all allocated spaces would be provided. In addition all spaces would comply with HCC emerging guidance in terms of their size (2.5m x 5m). The Planning Design and Access Statement also sets out that all units would benefit from dedicated cycle storage. This would exceed current policy requirements which specify 1 cycle space per 2 flats.
- 7.12.4 Whilst it is noted that this current outline application does not consider matters of site layout which would include the parking provision, and therefore does not represent the final number or layout of parking spaces that may be provided, it is considered that the indicative site layout demonstrates that the site is of sufficient size to accommodate an appropriate level of parking to serve the development.

7.12.5 The parking provision would form part of the consideration of any subsequent Reserved Matters application. However, it is considered that sufficient space could be accommodated within the site to provide adequate parking to serve the development in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

7.13 Sustainability

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

7.13.2 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.

7.13.3 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.

7.13.4 As this application is for outline permission with appearance, layout, scale and landscaping all matters reserved, an Energy Statement has not been submitted with the application. This would form part of the consideration of any subsequent Reserved Matters application.

7.14 Flood Risk & Sustainable Drainage

7.14.1 Policy CP1 of the Core Strategy (adopted October 2011) sets out that development should avoid areas at risk from flooding. Policy DM8 of the Development Management Policies LDD (adopted July 2013) sets out that in accordance with National Policy, the Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk of flooding. Development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risk of flooding elsewhere. Where practicable, existing flood risks should be reduced. Policy CP1 of the Core Strategy (adopted October 2011) states that there is a need to avoid development in areas at risk from flooding and to minimise flood risk through the use of Sustainable Drainage Systems.

7.14.2 The Lead Local Flood Authority (LLFA) has reviewed the submitted Flood Risk Assessment. Whilst an initial objection was raised, further information has been provided during the application and the LLFA have advised that they raise no objections to the grant of planning permission subject to conditions. They have confirmed that they have no objection in principle on flood risk grounds as the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy. As the proposed scheme for Outline permission has yet to provide the final detail and in order to secure the principles of the current proposed scheme, the LLFA recommend a number of planning conditions should planning permission be granted.

- 7.14.3 With regards to foul water sewerage network infrastructure capacity, Thames Water have confirmed that they have no objection. With regards to surface water infrastructure, Thames Water has raised concerns regarding the ability of the existing surface water infrastructure to accommodate the needs of the development and have requested a condition be attached to any grant of consent which requires that the development is not occupied until confirmation has been provided that either (1) all surface water network upgrades required to accommodate the additional flows from the development have been completed, or (2) a development and infrastructure phasing plan has been agreed.
- 7.14.4 Whilst the comments of Thames Water are noted, the LPA do not consider that such condition would be reasonable or meet the necessary tests. It is Thames Water's duty under the Water Industry Act 1991 to ensure that there is adequate foul/surface water drainage infrastructure to accommodate the housing required for the district. The application site is allocated for residential development in the 2014 Site Allocations document and the evidence base is supported by an Infrastructure Delivery Plan dated 2010. Thames Water were consulted on these documents and would therefore have been aware that the site was intended for residential development. Improvements to the strategic foul water and surface water network should have been made to account for these allocated sites. Furthermore, planning permission for residential development was approved in 2018, providing Thames Water further time to prepare for network improvements. It should also be noted that no phasing condition was requested or imposed on this previous planning permission.
- 7.14.5 This view is supported by an appeal decision (APP/Y2810/A/14/2228921) at New Street, Weeden Bec, Northamptonshire. The Planning Inspector received representations from the sewerage undertaker requesting that a foul drainage planning condition was imposed. The Inspector stated that a condition relating to the completion of off-site public sewer improvement works would be unreasonable. The Inspector determined that the timescales involved in completing the residential development would allow the sewerage undertaker sufficient time to necessarily improve the network, pursuant to the statutory framework that applies to the water and sewerage industry. This appeal decision also reaffirms the case law re-established in *Barratt Homes Limited v Dwr Cymru* [2010] which demonstrated that the right to connect to a public sewer is an "absolute right", whereby the undertaker cannot refuse to permit connection on the basis that the additional discharge into the system will overload it. The burden of dealing with such additional discharge falls upon the undertaker in performance of its statutory duties and not the developer.
- 7.14.6 The condition recommended by Thames Water would effectively be a Grampian condition as it requires work on land not controlled by the applicant. The NPPG states that conditions requiring off-site works, not in the applicant's control rarely meet the tests of reasonableness or enforceability. Furthermore, a condition should not be imposed if there is no reasonable prospect of the work being completed before the expiry of the planning consent. The Infrastructure Delivery Plan states that 'network improvements' can take up to three years to complete.

7.15 Contaminated Land

- 7.15.1 The application is accompanied by a Ground Investigation report prepared by Listers Geo (Report ref. 20.11.036a). The Environmental Health Officer notes that the intrusive investigation identified elevated concentrations of PAHs and TPHs in exceedance of the relevant generic screening criteria at one location (TP03 0.2m bgl). It is expected that the superficial soils across the site generally are to be removed as part of the redevelopment works down to 0.30m and 0.50m bgl with localised additional excavation of soils to significantly greater depths to facilitate the formation of the proposed terraces across the site. TP03 will be beneath a roadway. No remedial measures are considered to be necessary. The existing structures are yet to be demolished, Environmental Health have suggested that sampling beneath the footprint of these structures should be undertaken

post demolition. This will allow the site to be fully characterised and the materials beneath the structures to be assessed, to determine whether they are suitable for reuse. As such Environmental Health raise no objection subject to conditions.

7.16 Refuse and Recycling

7.16.1 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

7.16.2 Environmental Protection raised some initial concerns regarding the layout and have queried whether appropriate turning for refuse and recycling vehicles has been provided. As previously noted, this is an outline application with matters including layout, reserved at this stage and the submission of a subsequent Reserved Matters application would enable full consideration of the layout to ensure appropriate turning and manoeuvring space is provided within the site for all vehicles. However, the applicant has provided vehicle tracking diagrams to demonstrate how a refuse vehicle could access and manoeuvre within the site.

7.16.3 To assist in reducing the amount of waste produced on site, a Site Waste Management Plan (SWMP) would be required by condition.

7.17 Heritage Assets

7.17.1 The application is accompanied by an Archaeological Desk-Based Assessment. Whilst no archaeological remains (heritage assets) are known from the site, or from its immediate vicinity, it is considered an area with high potential for prehistoric remains, given its location on the slopes above the River Colne. In addition, the size of the site makes it relatively likely that some unidentified below-ground archaeological remains may lie within at least the southern part of the development area.

7.17.2 The Historic Environment Adviser has not provided comments on this application, however, at the time of the previous Outline application they considered that the proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest, and as such they recommend appropriate conditions be included on any grant of consent. A subsequent Discharge of Conditions application (20/2783/DIS) was made and the Historic Environment Advisor commented at that time that the Written Scheme of Investigation (WSI) met with their requirements and they therefore raised no objection to the programme of archaeological work commencing.

7.18 Safety & Security

7.18.1 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.

7.18.2 This is an outline application with details of access provided but all other matters reserved. The Reserved Matters should be designed taking into account the

requirements of Secured By Design as requested by the Crime Prevention Design Advisor.

7.19 Infrastructure Contributions

- 7.19.1 Core Strategy Policies CP8 and CP10 require development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy Charging Schedule is applicable to this scheme and is the mechanism by which contributions would be sought towards infrastructure including education, libraries and sustainable transport.
- 7.19.2 The CIL Charging Schedule advises that the CIL rate per square metre for Area C (which includes the application site) is £0.

8 **Recommendation**

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

C1 Reserved Matters

An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall commence before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

C2 Approved Plans – Access Only

The access hereby permitted shall be carried out in accordance with the following approved plans: 1100 Rev PL2. The plans are approved only in so far as they relate to the siting of the access.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM3, DM4, DM6, DM7, DM8, DM9, DM10, DM11, DM12, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy SA1 of the Site Allocations LDD (adopted November 2014).

C3 Affordable Housing

With the exception of the demolition, construction of the approved means of access, substation, drainage attenuation features and other ancillary infrastructure associated with the care home development approved by application 20/2807/AOD, no development shall take place until a scheme for the provision of Affordable Housing to be constructed on the site pursuant to the planning permission has been submitted to and approved in writing by the Local Planning Authority. The Affordable Housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the numbers, type, size, location and tenure of the Affordable Housing to be constructed on the site which shall not consist of less than 25.7% (rounded up to nearest whole number of units) of the total number of Dwellings permitted, of which 70% shall be constructed and Provided as Social Rented Dwellings and 30% shall be constructed and Provided as Shared Ownership Dwellings;
- ii. the timing of the construction of the Affordable Housing and its phasing in relation to the occupancy of the Market Housing;

- iii. the arrangements for the transfer of the Affordable Housing to an Affordable Housing Provider or the arrangements for the management of the Affordable Housing if those dwellings are not to be transferred to a Affordable Housing Provider;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the Affordable Housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the Affordable Housing and the means by which such occupancy criteria shall be enforced.
- vi. the timing of the completion of a Nominations Agreement to be entered into formalising the details to be agreed in respect of paragraphs (iv) and (v) above (in any event that Nominations Agreement to be completed prior to first Occupation of the Affordable Housing)
- vii. the arrangements for the use of any Net Proceeds following the sale of an interest in any of the Affordable Housing (in accordance where applicable with Homes and Communities Agency guidance)

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

- (A) any rights to acquire pursuant to the Housing Act 1996 or any equivalent statutory provision for the time being in force;
- (B) any right to buy pursuant to the Housing Act 1985 or any equivalent statutory provision for the time being in force;
- (C) where a tenant of a Shared Ownership Dwelling granted a Shared Ownership Lease has purchased the remaining shares so that the tenant owns the entire Shared Ownership Dwelling).
- (D) the restriction upon the use and disposal of the Affordable Housing shall cease to apply to the whole or any part of an Affordable Dwelling (hereafter referred to as the 'Affected Affordable Dwelling') where that whole or part is transferred or leased, pursuant to an event of default by any mortgagee or chargee of the Affordable Housing Provider or the successors in title to such mortgagee or chargee, or by any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 (hereafter referred to as the "Chargee"), PROVIDED THAT:
 - (i) the Chargee has first given the Council and the Affordable Housing Provider (as appropriate) 4 (four) months prior notice in writing (the "Chargee's Notice") of its intention to exercise any power of sale or lease in respect of any Affected Affordable Dwelling; and
 - (ii) the Chargee has first given the Council or the Affordable Housing Provider the opportunity to complete a transfer of the Affected Affordable Dwelling in order to ensure that it continues to be used for the purposes of Affordable Housing. The Chargee's Notice shall not be a valid Chargee's Notice unless it is accompanied by a conveyancer's certificate signed and dated by the conveyancer and confirming that, at the date of the notice, the Chargee giving the notice is entitled to execute a transfer of the freehold of the Affected Affordable Dwelling and all land required to gain access to the Affected Affordable Dwelling from the public highway; and
 - (iii) the price for the purchase of the Affected Affordable Dwelling by the Council or the Affordable Housing Provider demanded by the Chargee shall not be permitted to exceed the market value of the Affected Affordable Dwelling at the date of the transfer on the valuation assumption that it is to be retained in perpetuity as Affordable Housing.
 - (iv) If the Council or the Affordable Housing Provider is unable to secure the transfer of the Affected Affordable Dwelling to itself under the terms and in the circumstances described above within the said period of 4 (four) months in accordance with sub-paragraph (i) above then the Chargee shall be entitled to dispose of the Affected Affordable Dwelling on the open market not subject to the

condition above that it shall not be used for any other purpose than as Affordable Housing.

Reason: This is a pre commencement condition to meet local housing need within the Three Rivers district and to comply with Policies CP1, CP2, CP3 and CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing SPD (approved July 2011).

C4 Site Waste Management Plan (SWMP)

No development, with the exception of demolition, construction of the approved means of access, substation, drainage attenuation features and other ancillary infrastructure associated with the care home development approved by application 20/2807/AOD, shall commence until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

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

C5 Tree Protection

With the exception of the demolition, construction of the approved means of access, substation, drainage attenuation features and other ancillary infrastructure associated with the care home development approved by application 20/2807/AOD, no operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall take place on site in connection with the development hereby approved unless the branch structure and trunks of all trees and hedgerows shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: This is a pre commencement condition to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C6 Construction Management Plan

No development, with the exception of demolition, construction of the approved means of access, substation, drainage attenuation features and other ancillary infrastructure associated with the care home development approved by application

20/2807/AOD, shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

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

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C7

Remediation

Prior to the commencement of development approved by this planning permission, with the exception of demolition, construction of the approved means of access, substation, drainage attenuation features and other ancillary infrastructure associated with the care home development approved by application 20/2807/AOD, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A supplementary site investigation, allowing the areas of the site that were previously inaccessible to be investigated (i.e. beneath the existing structures) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

ii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: This is a pre commencement condition to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C8

Drainage – Details of Final Design

With the exception of the demolition, construction of the approved means of access, substation, drainage attenuation features and other ancillary infrastructure associated with the care home development approved by application 20/2807/AOD, no development shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Stomor reference ST2392/FRA-2105, Rev 0, dated May 2021 and additional information provided within a response to the LLFA's comments (ref: ST-2392/210716-LLFA Response, dated: 16.07.2021). The scheme shall also include;

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 15 l/s during the 1 in 100 year event plus 40% of climate change event.
2. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
3. Detailed surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event.
4. Provision of half drain down times less than 24 hours for proposed SuDS features.
5. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.
6. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

Reason: This is a pre-commencement condition to ensure that sufficient capacity is made available to cope with the new development to prevent flooding, and in order to avoid adverse environmental impact upon the community, in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C9 Archaeological Written Scheme of Investigation (WSI)

The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved pursuant to condition 10 of planning permission 20/1677/FUL (LPA ref. 20/2783/DIS dated 19 February 2021).

The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved pursuant to condition 10 of planning permission 20/1677/FUL (LPA ref. 20/2783/DIS dated 19 February 2021) and the provision made for analysis and publication where appropriate.

Reason: To protect any archaeological remains present within the development site. The significance of heritage assets with archaeological interest can be harmed/destroyed by development. This is in accordance with NPPF guidance, Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C10 Travel Plan Statement

At least 3 months prior to the first occupation of the approved development a detailed Travel Plan Statement for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority.

The approved Travel Plan Statement shall be implemented for at least 5 years post-occupation.

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

C11 Highway Improvements – Offsite (Implementation / Construction)

Prior to occupation of the development hereby permitted the offsite highway improvement works as indicated on drawing number 812598 IW XX XX DR C 6015 shall be completed in accordance with the approved details.

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

C12 Provision of Internal Access Roads, Parking & Servicing Areas

The details submitted in compliance with Condition 1 shall include details of the proposed internal access roads, on-site car parking and turning areas to be delivered by this development. Prior to the occupation of the development hereby permitted, the internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

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

C13 Swept Paths

The details submitted in compliance with Condition 1 shall include a swept path analysis for a fire tender (a 8.1m in length for a standard fire tender and 10.1m for an aerial ladder appliance) to illustrate that a fire tender would be able to get to within 45m of all parts of the footprint of the proposed buildings, turn around and egress the site in forward gear.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C14 Fire Hydrants

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

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

C15 Woodland Management Plan

The woodland shall be managed in accordance with the Woodland Management Plan agreed pursuant to condition 14 of planning permission 20/1667/FUL (LPA ref. 20/2783/DIS dated 19 February 2021).

Reason: In the interest of biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C16 Ecological Appraisal

The development shall be carried out in full accordance with the Ecological Assessment (Updated April 2021), including mitigation measures, approved pursuant to this application.

Reason: In the interest of biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C17 Verification Report

Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C18 Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 7, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 7.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C19 In Accordance with Flood Risk Assessment (FRA)

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment carried out by Stomor reference ST2392/FRA-2105, Rev 0, dated May 2021 and additional information provided

within a response to the LLFA's comments (ref: ST-2392/210716-LLFA Response, dated: 16.07.2021), and the following mitigation measures;

1. Implement drainage strategy based on attenuation and discharge into the Thames Water surface water sewer restricted to 15 l/s for rainfall events up to and including the 1 in 100 year + 40% climate change event as indicated on the Indicative Drainage Strategy drawing (ref: ST-2392-12-A, rev: A, dated 09.04.21).
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Implement drainage strategy including porous paving, swales and an attenuation basin.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C20 Drainage – Management & Maintenance Plan

Upon completion of the drainage works for each site in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include;

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

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives:

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations

2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- 15 The following terms (and those related to them) referred to at Condition 3 shall be defined as set out below:

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

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

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

Grant means national affordable housing programme funding allocated by the Homes and Communities Agency.

Homes and Communities Agency (HCA) means the agency of that name established by the Government (pursuant to the Housing and Regeneration Act 2008) which exercises the function of the former Housing Corporation in relation to financial assistance for new affordable homes (or any successor body).

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

Market Housing means those dwellings constructed on the site pursuant to the planning permission which shall not be Provided as Affordable Housing

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

Nominations Agreement means a contract to be entered into between the Council and the owner of the Affordable Housing whereby the Council shall have 100% nomination rights in respect of the Affordable Housing on first Occupation and 75% thereafter on re-lets to enable the Council to nominate occupiers

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

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

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

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

"Shared Ownership Dwellings" means Affordable Housing occupied subject to a Shared Ownership Lease

"Shared Ownership Lease" means a lease substantially in the form approved or published by the HCA whereby:

- (a) the initial share sold to the leaseholder:
 - (i) is a minimum of 25% (twenty five per cent) and a maximum of 75% (seventy five per cent) of the total equity in the unit; and

(ii) is sold for a premium equal to the corresponding percentage of the Open Market Value of the property;
and

(b) (i) the annual rent does not initially exceed 2.75% (two point seven five per cent) of the full Open Market Value (assessed in accordance with the HCA's Capital Funding Guide) of the Registered Providers retained share of the equity in the relevant affordable unit;

(ii) is not at a level which is in conflict with any applicable Homes and Communities Agency successor restrictions relating to charges payable by the tenant; and

and

(c) the tenant:

(i) pays no more than a Reasonable Service Charge (where applicable); and

(ii) may in successive tranches purchase the remainder of the equity in the unit

Social Rented Dwellings means Affordable Housing provided through a Affordable Housing Provider available for rent at Target Rent and subject to a Reasonable Service Charge under an assured tenancy or equivalent.

Target Rent means a rent which does not exceed the guideline rent determined through the national rent regime set from time to time.

16 The development should be built to the police security standard Secured By Design (SBD).

17 Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

18 Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

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

19 Travel Plan Statement: Further information is available via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk