

PLANNING COMMITTEE – THURSDAY 22 JUNE 2023

PART I - DELEGATED

5. **22/1912/OUT - Outline application: Demolition of existing buildings and erection of up to 50 dwellings with associated access, parking, amenity space, landscaping and SuDs basin (Appearance, Layout, Landscaping and Scale as reserved matters) at 24 Denham Way and Land to the Rear, Maple Cross**

Parish: Non-parished

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 26.01.2023
(Extension of Time: 30.06.2023)

Case Officer: Scott Volker

Recommendation: The application be referred to the Secretary of State for Levelling Up, Housing and Communities in accordance with the Town and Country Planning (Consultation) (England) Direction 2021.

Provided the Secretary of State does not call in the application for their own determination, and subject to no new material considerations being raised and the recommendation of approval/no objection from the Environmental Health Officer (EHO) and the completion of a Section 106 Agreement securing on-site affordable housing, biodiversity net gain and open space provision, that the application be delegated to the Head of Regulatory Services to GRANT OUTLINE PLANNING PERMISSION subject to conditions as set out at section 8 below and any additional conditions as requested by EHO.

Reason for consideration by the Committee: Called-in by three members of the Planning Committee due to its effect on both the Green Belt to the rear and the existing residential dwellings on two sides of the application site.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RJOITUQFLAR00>

1 Relevant Planning History

- 1.1 8/759/74 - Established Use Certificate Market Garden – Permitted, February 1975.
- 1.2 8/773/93 – Erection of polytunnel – Approved, February 1994.
- 1.3 8/555/80 – Change of Use to Wholesale and Retail Market Garden – Refused, October 1980.
- 1.4 8/346/85 - Change of use of land for parking of vehicles – Refused, July 1985.

2 Description of Application Site

- 2.1 The application site is an F-shaped parcel of land covering an area measuring 1.1ha. The land levels of the site are generally flat, with a slight gradual change sloping down from the north-west to the south-east. The site is surrounded by agricultural land to the north and west and bounded by well-established trees and hedge lines. The site wraps around the residential curtilage of 22 Denham Way which is a two-storey detached property with associated ancillary outbuildings. To the south are residential developments at Crosslands and Oakhill Close.

- 2.2 The application site is comprised of two elements. One part of the site comprises a detached two-storey pitched roof dwelling known as 24 Denham Way and its large associated curtilage. This dwelling fronts the Denham Way service road. The dwelling has a large private garden which is predominantly laid to lawn which bounds the properties of the adjacent cul-de-sac, Crosslands to the south.
- 2.3 The other part of the application site accommodates a commercial use which is located within the northern and western portions of site with an active and well established B2 use operating as a Tree Surgery business. The business is accessed immediately to the north of 22 Denham Way from the service road. Within this part of the application site are material stockpiles and three associated workshop buildings, a large water tank and an area of hardstanding situated in an area to the west of 22 Denham Way. Two disused polytunnel frames, related to the former nursery use are also located in this area.
- 2.4 Within the application site there are some protected trees (TPOs) including two Cedar trees (TPO17 and TPO18) and Poplar trees (TPO043) located to the rear of No.24 Denham Way and to towards the south-western boundary.
- 2.5 In terms of policy designations, the application site falls within the Green Belt, a Secondary Centre (Maple Cross) and part of the site to the north is on the Brownfield Register.

3 Description of Proposed Development

- 3.1 This application seeks Outline planning permission for the demolition of existing buildings including 24 Denham Way and erection of up to 50 dwellings with associated access, parking, amenity space, landscaping and SuDs basin. Approval is sought for Access with matters of Appearance, Landscaping, Layout and Scale reserved.
- 3.2 The development would consist of a combination of flats, detached, semi-detached and terraced housing. The scheme would include 25 affordable housing units which would equate to an allocation of 50%, broken down to 70% social rent, 25% first homes and 5% shared ownership. The proposed mix is indicative at this stage but as detailed in the supporting Planning Statement and is as follows:

	1-bed flat	2-bed flat	3-bed flat	4-bed house	Total
Market	0	9	10	6	25
Affordable Housing	8	11	6	0	25
Total	8	20	16	6	50

- 3.3 A new vehicular access would be created from the Denham Way service road in the general location of 24 Denham Way. The existing access serving the commercial part of the site (to the north of the site's Denham Way frontage) would be stopped up. A Parameter Plan (PO1) has been submitted and the supporting Planning Statement identifies that the proposal would provide the delivery of a range of house types and sizes and the scheme would provide active residential frontages to the two principal east-to-west roads, which would then feed into smaller clusters of dwellings in the western section of the site.
- 3.4 Although it does not form part of the application, an illustrative layout plan is provided within the submitted Planning Statement (Figure 5.3.0, page 12). From the illustrative drawing it is evident that traditional pitched roof designs are proposed for the houses with the majority being 2 storey height with a small number of 2.5 storey units. The majority of the flatted developments would be set in 3-storey blocks to the eastern section of the site. The smaller of the blocks would include pitched roof forms with the larger block incorporating a crown roof form with hipped sides.
- 3.5 An area of open green space of approximately 1250sqm is proposed adjacent to the access road (south of No. 22 Denham Way) which would include an attenuation basin, with an

additional landscaped space proposed adjacent to the western boundary approximately 740sqm in size.

- 3.6 The tree/hedge screen along the northern boundary would be retained along with the landscaping features on the western boundary. The proposal would result in the removal of 9 trees, 4 groups of trees and one hedgerow. This does include the removal of the two protected Cedars and Poplar trees located to the southern and western boundaries of the site and abutting 22 Denham Way.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Hertfordshire County Council – Highway Authority: No objection, subject to conditions

Proposal:

Outline application: Demolition of existing buildings and erection of up to 50 dwellings with associated access, parking, amenity space, landscaping and SuDs basin (Appearance, Layout, Landscaping and Scale as reserved matters).

Recommendation:

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that 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. At least three months prior to the first use of the development hereby permitted, the details of a suitably qualified person/organisation to act as travel plan co-ordinator at the site would need to be submitted and the Travel Plan Statement updated accordingly.*
- b. A level and type of car and cycle parking in accordance with Three Rivers District Council's (TRDC) adopted standard.*
- c. An appropriate level of active and passive electric vehicle charging provision.*
- d. Provision for on-site refuse/recycling store(s) within 30m of each dwelling and 25m of any collection point;*
- e. Turning areas and swept path analysis to illustrate that a 12m long refuse vehicle (the size used by TRDC) and a fire tender (at least 8.1m in length for a standard fire tender and 10.1m in length for an aerial ladder appliance) would be able to safely access the site layout, turn around on site and egress to the highway network in forward gear. The swept path would need to illustrate that a fire tender would be able to get to within 45m of all parts of the footprint of any dwellings 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).
*An internal layout of the site designed to support a 20mph speed limit in accordance with guidance as laid out in Manual for Streets. Visibility splays of 2.4m by 25m would need to be illustrated at any junctions / vehicle accesses within the site.**

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 have been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- Vehicle bellmouth access into the site from Denham Way.
- Tactile paving and pedestrian dropped kerbs on either side of the proposed bellmouth access.

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).

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 in the interests of highway safety in accordance with Policy 5 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 plan 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. 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:

Construction standards for works within the highway (s278 works):

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.

Comments / Analysis:

The proposal comprises of the construction of up to 50 residential dwellings on land at Denham Way Maple Cross.

A Transport Assessment (TA) and Travel Plan Statement (TPS) have been submitted as part of the application.

Access:

The site is accessed via a Denham Way service road, on the west side of the main Denham Way highway. The service road is designated as an unclassified, local distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense. There is an existing shared vehicle access into the site.

The proposals include a new simple priority junction with a kerbed bellmouth entrance leading to an internal access road with a carriageway width of 4.8m and a 2m wide footway, the layout of which is shown on submitted drawing numbers 101 and SK01 A. The general access arrangements are considered to be acceptable by HCC as Highway Authority for a development of this size with the technical details of the bellmouth access / highway works to be approved as part of the necessary 278 highways agreement.

The levels of available vehicular to vehicular visibility at the proposed vehicle access point (at 2.4m by 43m in either direction along Denham Way as shown on drawing number SK01 A) is acceptable and in accordance with Roads in Hertfordshire: Highway Design Guide and Manual for Streets. The eventual full internal layout of the site would need to be designed to support a 20mph speed limit in accordance with guidance as laid out in Manual for Streets. Visibility splays of 2.4m by 25m would consequently need to be illustrated at any junctions / vehicle accesses within the site.

The HA would not agree to adopt any of the proposed internal access roads as the route would not be considered as being of utility to the wider public. However the works would need to be built to a design speed of 20mph and to adoptable standards to be in accordance with guidelines as documented in RiH and MfS. The developer would need to put in place a permanent arrangement for long term maintenance. At the entrance of the development, the road name plate would need to indicate that it is a private road to inform purchasers of their future maintenance liabilities.

Section 278 Highway Works:

The applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the approval of the design and implementation of the works that would be needed on highway land including:

- Vehicle bellmouth access into the site from Denham Way.
- Tactile paving and pedestrian dropped kerbs on either side of the proposed bellmouth access.

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 to clarify the works which would be within the existing highway and submit a Stage One Road Safety Audit and Designers Response. Please see the above conditions and informatives.

Refuse, Service and Emergency Vehicle Access:

Swept path analysis plans (drawing numbers SK07 to SK12) have been submitted as part of the TA to illustrate that a 12m long refuse vehicle would be able to use the proposed access arrangements, turn around on site and egress to the highway in forward gear. Any access and turning areas would need to be kept free of obstruction to ensure permanent availability and therefore consideration would need to be given to preventing vehicles parking on any turning areas and access routes. The collection method would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management.

The TA does confirm that “layout is a reserved matter at this stage” and therefore the final layout would need to ensure turning areas and swept path analysis is provided to illustrate that a 12m long refuse vehicle and a fire tender (at least 8.1m in length for a standard fire tender and 10.1m in length for an aerial ladder appliance) would be able to safely access the site layout, turn around on site and egress to the highway network in forward gear. The swept path would need to illustrate that a fire tender would be able to get to within 45m of all parts of the footprint of any dwellings 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). Furthermore, provision would need to be made for on-site refuse/recycling store(s) within 30m of each dwelling and 25m of any collection point.

Car Parking:

No specific details on the level of car parking have been submitted at this outline stage of the application. The level of car and cycle parking would need to be provided in accordance with those levels as outlined in TRDC’s parking standards (it is acknowledged that the submitted TA states that “parking will be provided in accordance with the guidance set in the Supplementary Planning Guidance on Parking at New Developments (2002), the details of which will be submitted at the reserved matters stage. All dwellings will have secure cycle parking through either a shed or garage space for the houses or secure cycle storage for the apartments”).

Any proposals would need to be in accordance with the following guidance, which states that “Parking provision shall not be located within the visibility splays at junctions and accesses. Parking areas should not obstruct forward visibility requirements, turning areas or inhibit the movement of refuse vehicles, buses or the emergency services” RiH, Sec 4, 9.2.

An appropriate level of electric vehicle charging (EVC) provision would need to be included as part of any full application. It is recommended that at least one active EVC point is provided for each house; that at least 20% of all car parking spaces for flats have active EVC provision and that passive provision is provided for all other spaces. Specific reference would need to be made to LTP4, Policy 5h, which states that developments should “ensure that any new parking provision in new developments provides facilities for electric charging of vehicles, as well as shared mobility solutions such as car clubs and thought should be made for autonomous vehicles in the future”.

Nevertheless, the applicant is reminded that TRDC, as the planning authority for the district, would ultimately need to be satisfied with the proposed type and level of parking on site.

Trip Generation, Distribution and Traffic Impact Assessments:

A trip generation assessment for the proposed use 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 is considered to be acceptable by HCC as Highway Authority. The number of vehicular trips associated with the proposed use are estimated to be 20 two-way vehicle movements in the AM peak and 21 two-way vehicle movements in the PM peak.

A Junctions 8 PICADY assessment has been carried out and included in the TA to assess the operation of the Denham Way Service Road / A412 Denham Way junction both at present and in addition to a future year of 2027 using baseline traffic data + committed developments (including HS2, the Maple Cross warehouse development – planning application 21/0573/FUL and hotel development – planning application 07/1401/FUL) TEMPRO growth factors to 2027 and the above TRICs vehicle trip rates in the AM and PM peak. The results of the modelling show that the Ratio of Flow to Capacity (RFC) at 0.76 (AM peak) and at 0.60 (PM peak) are well within the generally agreed practical capacity of 0.85 and therefore considered acceptable. Furthermore, the predicted queue levels on the highway would not be deemed to have a severe impact on the junction.

A LinSig model assessment has been carried out and included in the TA to assess the performance and functioning of the traffic signalized junction of Denham Way Service Road / Chalfont Road / A412 Denham Way / Maple Lodge Close. The proposed signalized junction has been modelled using baseline traffic data + committed developments (including HS2, the Maple Cross warehouse development – planning application 21/0573/FUL and hotel development – planning application 07/1401/FUL) TEMPRO growth factors to 2027 and the above TRICs vehicle trip rates in the AM and PM peak. From a highways and transport perspective, HCC as HA has assessed and reviewed the capacity and modelling results from the proposals in the context of paragraph 109, National Planning Policy Framework (NPPF) (update 2019), which states that: “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. In this context and in conjunction with a review of the application and above model results have demonstrated that there would not a severe impact on the road network.

Sustainable Travel Options:

The application site is located on the north side of the settlement of Maple Cross. Therefore, the location is within an easy cycling distance and acceptable walking distance from the facilities and amenities in the settlement.

The nearest bus stops are located approximately 80m (north-east bound) and 100m to 155m (south-west bound) from the site and therefore are within the normal recommended walking distance of 400m and therefore there is potential for bus services to provide a convenient sustainable travel option for any future residents. Rickmansworth Railway Station is located approximately 3.3km from the site and therefore within cycling distance although would not be an acceptable walking distance, although this would not be considered to be a significant enough reason to recommend refusal on its own when taking into consideration that the site is linked to an existing settlement area and its relative facilities/amenities.

An appropriate level and type of secure, convenient and covered cycle storage would need to be provided to promote and encourage cycling as a form of travel to and from the site. HCC as Highways would recommend that consideration be made to the fact that some parts of the internal access roads would essentially act as a shared access for vehicles, cyclists and pedestrians. Therefore appropriate signage, lighting and surfaces would be recommended within the site to reflect this.

A TPS has been submitted as part of the application to support the promotion and maximisation of sustainable travel options 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 travel plan is considered to be generally

acceptable although the applicant would need to provide details of a suitably qualified person/organisation to act as travel plan co-ordinator at the site (at least 3 months prior to first use of the development) in addition to secondary contact.

TRDC has adopted the Community Infrastructure Levy (CIL) and the development would be located within area A of TRDC's CIL charging areas. Therefore, contributions towards strategic and local transport schemes as outlined in HCC's South West Hertfordshire Growth & Transport Plan (2019) would be sought via CIL or 106 planning obligations as appropriate.

SUDs:

HCC as Highway Authority would recommend that the Lead Local Flood Authority is formally consulted on the proposed SUDS and drainage strategy at: FRMconsultations@hertfordshire.gov.uk.

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.

4.1.2 Affinity Water: No objections, subject to conditions:

Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone 1 (SPZ1) corresponding to our Pumping Station (SPRW). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

Provided that the below conditions are implemented and it has been demonstrated that public water supply will not be impacted, we would have no objections to the development.

1. *Contamination through Ground Works*

Any works involving excavations that penetrate into the chalk aquifer below the groundwater table (for example, piling or the installation of a geothermal open/closed loop system) should be avoided. If these are necessary, then the following condition needs to be implemented:

Condition:

A) Prior to the commencement of the development, no works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- i) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.*
- ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity.*
- iii) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.*

The applicant or developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

Reason: Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants through displacement to a greater depths and turbidity generation. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply.

2. Contamination during construction

Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should cease immediately and appropriate monitoring and remediation will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

Condition:

B) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

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

3. Contamination through Surface Water Drainage

Surface water drainage should use appropriate Sustainable Urban Drainage Systems that prevent the mobilisation of any contaminants where a direct pathway to the aquifer is present. This should use appropriate techniques that prevent direct pathways into the aquifer and ensure that sufficient capacity for all surface water to be dealt with on site is provided and prevents consequential flooding elsewhere.

We have reviewed the draft drainage strategy submitted within the flood risk assessment and would ask that the final drainage strategy, as well as considering the above, includes the flow pathway within the diagram. It needs to be demonstrated that surface water will engage with at least 2 stages of treatment before infiltrating. If surface water from the roads goes directly to the infiltration basin (1 stage of treatment) or the infiltration crates (no stage of treatment) this would be unacceptable.

We would also need cross section diagrams of the infiltration areas demonstrating that these will remain at least 1m above groundwater and will need to be supplied with all the groundwater level monitoring data that proves this is the case throughout all seasons.

In addition, it would need to be demonstrated that these infiltration areas have been assessed for contamination to avoid the risk for contamination mobilisation into the aquifer and towards public water supply abstraction.

Condition:

C) Prior to the commencement of development, details of a Surface Water Drainage Scheme should be provided that prevents contamination of any public water supply abstractions present. This shall be submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water.

Reason: Surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential

to become contaminated and can enter the aquifer through open pathways, either created for drainage or moved towards existing open pathways where existing drainage has reached capacity. All have the potential to impact public water supply.

Issues arising from any of the above can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.

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

Water Efficiency:

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

Infrastructure connections and diversions:

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

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

4.1.3 Environment Agency: Initial objection raised but overcome subject to conditions:

Thank you for consulting us on the above application which we received on 7 November. As part of the consultation, we have reviewed the documents submitted in line with our remit.

Environment Agency Position:

Based on a review of the submitted information we object to the planning application, as submitted, because the proposed development would pose an unacceptable risk of pollution of groundwater. We recommend that planning permission should be refused on this basis, in line with paragraph 174 of the National Planning Policy Framework and Preferred Policy Option 17 Ground Conditions, Contamination and Pollution of the Three Rivers Preferred Policy Options consultation (June 2021).

Reason:

Previous industrial uses of the site present a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive at this location as:

- *The site is located within a groundwater Source Protection Zone 1 (SPZ1), relating to a nearby abstraction. Areas in SPZ1 are the catchment areas for sources of potable, high quality water supplies usable for human consumption. Groundwater at this location is therefore particularly vulnerable to polluting uses on the surface. All development proposals are carefully monitored within SPZ1.*
- *The site is underlain by a Principal Bedrock Aquifer (Chalk)*
- *The site is underlain by a Secondary A Superficial Aquifer (Shepperton Gravel Member)*
- *The site is located within a Water Framework Directive Groundwater water body with “Poor” overall classification (Mid-Chilterns Chalk GB40601G601200).*

Our approach to groundwater protection is set out in the Environment Agency’s Approach to Groundwater Protection. In implementing the position statements in this guidance we will oppose development proposals that may pollute groundwater, especially where the risk of pollution is high, and the groundwater asset is of high value.

We note from the site drainage strategy that several infiltration methods for the drainage of surface runoff is proposed, including shallow soakaway systems. In this instance position statement G13 of the Approach to Groundwater Protection applies:

Where infiltration SuDS are proposed for anything other than clean roof drainage (see position statement G12, a hydrogeological risk assessment should be undertaken to ensure the system does not pose an unacceptable risk to supply”.

Unless a supporting risk assessment demonstrates that a SuDS scheme in SPZ1 will not pose an unacceptable risk to the drinking water abstraction, the Environment Agency will object to the use of infiltration SuDS under position statement G10 and an alternative drainage strategy would need to be adopted.

As the planning application is not supported currently by an appropriate hydrogeological risk assessment, it does not meet the requirements set out in Paragraphs 174 and 183 of the National Planning Policy Framework.

In addition, the Thames River basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. The proposal could cause deterioration of a water quality element to a lower status class of adjacent surface waterbodies and prevent the recovery of a drinking water protected area in the Mid-Chilterns Chalk groundwater body.

Overcoming our objection:

The applicant should submit a hydrogeological risk assessment in order to demonstrate that the drainage proposals will not result in an adverse impact to groundwater quality.

The design of infiltration SuDS schemes and of their treatment stages needs to be appropriate to the sensitivity of the location and subject to a relevant risk assessment, considering the types of pollutants likely to be discharged, design volumes and the dilution and attenuation properties of the aquifer.

Surface run-off from roads and parking areas may contain substances present on the JAGDAG list (i.e. metals, organics including PAHs and BTEX). Any discharge must be treated to such a level that it will not result in a discernible input of hazardous substances to groundwater. A discernible input occurs when the concentration within the discharge exceeds either the natural background quality or a minimum reporting value (MRV). Examples of MRVs are:

- *Benzene 1µg/l*
- *Toulene 4µg/l*
- *Xylenes 3µg/l*

A full list of MRVs can be accessed at <https://www.gov.uk/government/publications/values-for-groundwater-risk-assessments/hazardous-substances-to-groundwater-minimum-reporting-values>.

Alternatively we would reassess our position if an alternative drainage strategy that does not utilise infiltration SuDS were submitted. We note the close proximity of a Thames Water surface water sewer to the site.

Advice to applicant:

Water Resources:

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area.

Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

All new residential development is required to achieve a water consumption limit of a maximum of 125 litres per person per day as set out within the Building Regulations &c. (Amendment) Regulations 2015.

However, we recommend that in areas of serious water stress (as identified in our report Water stressed areas - final classification) a higher standard of a maximum of 110 litres per person per day is applied. This standard or higher may already be a requirement of the local planning authority.

Final comments:

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

If you are minded to approve the application contrary to our objection, I would be grateful if you could re-notify us to explain why, and to give us the opportunity to make further representations.

- 4.1.3.1 **Environment Agency - Second consultation:** Following the receipt of the above comments further information was provided by the applicant for review by the EA. The EA were re-consulted and provided the following additional comments and removed their objection:

Thank you for consulting us on the above application which we received on 3 January. As part of the consultation we have reviewed the following document:

- Denham Way and land to rear, Maple Cross, Hertfordshire: Flood Risk Assessment and Drainage Strategy, Revision B, dated December 2022.

Environment Agency Position

Based on a review of the submitted information we are now able to withdraw the objection from our previous letter (EA Ref: NE/2022/135130/01-L01 dated 30th November 2022) subject to the inclusion of the following conditions on any grant of planning permission.

Without these conditions we feel that the development would pose an unacceptable risk to groundwater, and we would object. We ask to be consulted on the details submitted for

approval to your authority to discharge these conditions and on any subsequent amendments/alterations.

Conditions:

Condition 1 - Land Affected by Contamination

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

- 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.*
- 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*
- 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
- 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason 1:

Previous industrial uses of the site present a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive at this location as:

- *The site is located within a groundwater Source Protection Zone 1 (SPZ1). Areas in SPZ1 are the catchment areas for sources of potable, high quality water supplies usable for human consumption. Groundwater at this location is therefore particularly vulnerable to polluting uses on the surface. All development proposals are carefully monitored within SPZ1.*
- *The site is underlain by a Principal Bedrock Aquifer (Chalk)*
- *The site is underlain by a Secondary A Superficial Aquifer (Shepperton Gravel Member)*
The site is located within a Water Framework Directive Groundwater water body with "Poor" overall classification (Mid-Chilterns Chalk GB40601G601200).

This condition will ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

Condition 2 - Verification Report

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 3 - Long Term Monitoring and Maintenance Plan for Groundwater

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 4 - Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: No investigation can completely characterise a site. This condition ensures that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 5 - Borehole Management

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the National Planning Policy Framework and Position Statement N Groundwater resources of 'The Environment Agency's approach to groundwater protection'.

Condition 6 - Piling / Foundation works Risk Assessment with Respect to Groundwater Resources

Piling, deep foundations and other intrusive groundworks using penetrative measures shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that any proposed piling, deep foundations and other intrusive groundworks do not harm groundwater resources in line with paragraph 174 of the National

Planning Policy Framework and Position Statement N. Groundwater Resources of the 'The Environment Agency's approach to groundwater protection'.

Condition 7 - Infiltration of Surface Water onto the Ground

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.

Advice

We recommend that developers should:

- *Follow the risk management framework provided in Land Contamination: Risk Management (formerly CLR11), when dealing with land affected by contamination.*
- *Refer to the Environment Agency Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.*
- *Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation." (<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary>)*
- *Refer to the contaminated land pages on GOV.UK for more information.*

We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by land contamination. E.g. British Standards when investigating potentially contaminated sites and groundwater, and reference with these documents:

- *BS5930:2015 Code of practice for site investigations.*
- *BS 10175:2011 A1:2013 Code of practice for investigation of potentially contaminated sites.*
- *BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points.*
- *BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns but more may be required to establish the conceptual site model and groundwater quality. See RTM 2006 and MNA guidance for further details).*
- *BS ISO 18512:2007 Soil Quality. Guidance on long-term and short-term storage of soil samples*
- *BS EN ISO 5667:3- 2018. Water quality. Sampling. Preservation and handling of water samples*
- *Use MCERTS accredited methods for testing contaminated soils at the site.*
- *Guidance on the design and installation of groundwater quality monitoring points*
- *Environment Agency 2006 Science Report SC020093 NB. The screen should be located such that at least part of the screen remains within the saturated zone during the period of monitoring, given the likely annual fluctuation in the water table. In*

layered aquifer systems, the response zone should be of an appropriate length to prevent connection between different aquifer layers within the system.

A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. The following should be considered:

- Use MCERTS accredited methods for testing contaminated soils at the site.*
- The DQRA report should be prepared by a “Competent person” (e.g. a suitably qualified hydrogeologist). The DQRA should be based on site-specific data, however in the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.*
- Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50m. Further guidance is available at <https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>*

Following the DQRA, a Remediation Options Appraisal to determine the Remediation Strategy in accordance with the Land Contamination: Risk Management guidance.

Any remediation strategy must be carried out by a competent person, in line with paragraph 183 of the National Planning Policy Framework. The National Planning Policy Framework defines a “Competent Person (to prepare site investigation): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation”.

Where SUDs are proposed:

Infiltration SUDs should not be located in unsuitable and unstable ground conditions such as land affected by contamination or solution features. Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater. For the immediate drainage catchment areas used for handling and storage of chemicals and fuel, handling and storage of waste and lorry, bus and coach parking or turning areas, infiltration SuDS are not permitted without an environmental permit. Further advice is available in the updated CIRIA SUDs manual http://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx.

Piling:

For piling (or other deep penetrative) works, where the piles (or other deep structures) extend into aquifer units within SPZ1, a foundation works risk assessment and groundwater monitoring programme will be required. The foundation works risk assessment should consider potential risks to groundwater resources that could arise as a result of deep piling works. A groundwater monitoring programme should be designed to collect information prior to and during the works to demonstrate that any piling (or other deep penetrative) works are not having an adverse impact on groundwater quality in the area. The piling risk assessment and groundwater monitoring plan should provide a mitigation / action plan should any adverse impacts to groundwater quality be noted during the works.

Within SPZ1, due to the close proximity of potable abstractions, we recommend that real-time monitoring for in-situ groundwater quality parameters, including conductivity and turbidity, should be incorporated into the groundwater monitoring plan as these provide valuable on site data that can enable rapid decision making with respect to mitigations if required.

A brief introduction to the potential hazards associated with piling through contaminated soils can be found:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0202bisw-e-e.pdf>

Monitoring wells installed to support a piling risk assessment should be installed to at least 5m deeper than the deepest piled foundation to capture any impacts from the proposed groundworks during and post construction.

Waste off-site:

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- *Duty of Care Regulations 1991*
- *Hazardous Waste (England and Wales) Regulations 2005*
- *Environmental Permitting (England and Wales) Regulations 2016*
- *The Waste (England and Wales) Regulations 2011*

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12-month period the developer will need to register with us as a hazardous waste producer. Refer to the waste management page on GOV.uk for more information.

Material Re-use on-site:

The CL:AIRE Definition of Waste: Development Industry Code of Practice (Version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- *excavated materials that are recovered via a treatment operation can be re-used on-site provided they are treated to a standard such that they fit for purpose and unlikely to cause pollution*
- *treated materials can be transferred between sites as part of a hub and cluster project some naturally occurring clean material can be transferred directly between sites Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt the Environment Agency should be contacted for advice at an early stage to avoid any delays.*

We recommend that developers should refer to:

- *The position statement on the Definition of Waste: Development Industry Code of Practice*
- *The waste management page on GOV.uk*

Advice to applicant

Water Resources:

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

All new residential development is required to achieve a water consumption limit of a maximum of 125 litres per person per day as set out within the Building Regulations &c. (Amendment) Regulations 2015.

However, we recommend that in areas of serious water stress (as identified in our report Water stressed areas - final classification) a higher standard of a maximum of 110 litres per person per day is applied. This standard or higher may already be a requirement of the local planning authority.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

4.1.4 National Grid: No response received.

4.1.5 TRDC Landscape Officer: Made the following comments:

The site is within Metropolitan Green Belt and there are trees on site, protected by Tree Preservation Order. The site comprises of an old garden / farmyard area to the rear of housing on Denham Way. Despite its location in the Green Belt, the site's position on the edge of an existing settlement would be only a minor adjustment to the Green Belt boundary that would not result in a significant loss of openness. In addition, the existing TPO is very old (1972) and the majority of trees included on it appear to have been removed many years previously. The plans indicate that remaining significant trees would be protected and, provision would be made for substantial new planting.

Further details should be required regarding landscaping and new planting, in particular the proposed attenuation basin. A multifunctional SUDs system that has some ecological and / or play value, in addition to storage of surface water at times of high rainfall, would be desirable. Details of the protection of existing trees would also be required.

4.1.6 Thames Water: Made the following comments:

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.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. 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 networks.

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.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

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.

4.1.7 TRDC Environmental Health: No objection subject to conditions:

Air Quality

The proposed development meets the stage 1 criteria given in the EPUK/IAQM guidance document entitled Land-Use Planning & Development Control: Planning For Air Quality. Consideration should be given to the potential impacts of neighbouring sources on the site and the impact of the development on the surrounding area.

The 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 following reports prepared by BRD Environmental Ltd:

- *Phase 1 Geo-Environmental Desk Study (Report ref. BRD3982-OR1-B);*
- *Geo-Environmental Site Investigation (Report ref. BRD3982-OR2-B).*

The investigation has identified some potentially complete contaminant linkages that require remediation. An outline remediation strategy has been proposed.

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

1. 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) An options appraisal and remediation strategy, based on the site investigation results and the detailed risk assessment (*reference to approved documents), giving full details of the remediation measures required and how they are to be undertaken.

ii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (i) 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, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

4.1.8 TRDC Environmental Protection: No response received.

4.1.9 TRDC Housing Strategy and Development Manager: Made the following 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, 25% first homes and 5% shared ownership.

The Local Housing Market Assessment (2020) 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 40% 1-bed units, 27% 2-bed units, 31% 3-bed units and 2% 4 bed units.

However, identified need for affordable housing based on the current housing register and the family composition of customers that have been in temporary accommodation provided by the Council 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 to ensure that families in temporary accommodation provided by the Council are offered a permanent and suitable property within a satisfactory time frame.

It is encouraging to see that you intend to provide Affordable Housing onsite, please clarify what your proposal is to meet the requirement or contact me to discuss further.

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.

4.1.10 TRDC Development Plans Officer: Made the following comments:

The application seeks permission for the demolition of existing buildings and erection of up to 50 dwellings (Use Class C3). The application site has not been allocated as a housing site in the Site Allocations Local Development Document and as such is not currently identified as part of the District's housing supply. The site should therefore be considered as a windfall site. Policy CP2 of the adopted Core Strategy (adopted 2011) states that applications for windfall sites will be considered on a case by case basis having regard to:

- i. the location of the proposed development, taking into account the Spatial Strategy*
- ii. the sustainability of the development and its contribution to meeting local housing needs*
- iii. infrastructure requirements and the impact on the delivery of allocated housing sites*
- iv. monitoring information relating to housing supply and the Three Rivers housing target.*

The site is located in the settlement of Maple Cross, which is a Secondary Centre in the Three Rivers Settlement Hierarchy (Core Strategy, 2011). Policy PSP3 of the Core Strategy states that development in Secondary Centres will focus future development predominantly on sites within the urban area, on previously developed land. The Council recognises that part of the northern portion of the site is classified as previously developed land through its inclusion in the Brownfield Land Register. The proposal would therefore comply with Policy PSP3 and the National Planning Policy Framework's (NPPF) core planning principle of encouraging the effective use of previously developed land. The site is located within walking distance to some facilities, including schools, public open space and retail uses which could cater for essential day to day services, although it is noted that travel to other settlements would be needed in order to access other services. The site is located within 100m to the nearest bus stop on Denham Way and also within close proximity to a number of other bus stops, served by various bus routes. The nearest train station is Rickmansworth Station which is approximately a 40-minute walk from the application site. Nevertheless, the development would result in a net gain in housing, which would make a positive contribution towards the District's current housing target of 633 dwellings per year as well as helping to address its shortfall in demonstrating a five year housing land supply.

The southern portion of the site is located in the Green Belt. Policy CP11 of the Core Strategy (adopted 2011) states that 'there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.' The National Planning Policy Framework (NPPF) (2021) states that inappropriate development is, by definition,

harmful to the Green Belt and should not be approved except in very special circumstances. Policy DM2 of the Development Management Policies LDD (adopted 2013) states that the construction of new buildings in the Green Belt is inappropriate, with certain exceptions listed in the NPPF. According to the NPPF, very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations. One exception is the partial or complete redevelopment of previously developed sites (i.e. the proposal site), whether redundant or in continuing use, which would: 1) not have a greater impact on the openness of the Green Belt than the existing development; or 2) not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority (paragraph 149(g), NPPF). In order to satisfy the exception stated in the first part of paragraph 149(g), the proposed building footprint, bulk and height of the development must not result in a greater impact on the openness of the Green Belt than the existing development. With regards to the second exception stated in Paragraph 149(g), the proposal partially entails the re-use brownfield for residential development which would contribute towards the affordable housing need in the District.

Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs, in terms of size and type of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:

	1-bed	2-bed	3-bed	4+ bed
Market Housing	5%	23%	43%	30%
Affordable Home Ownership	21%	41%	28%	9%
Social/Affordable Rented Housing	40%	27%	31%	2%

The application proposes an indicative total of up to 50 dwellings, with an indicative unit mix as shown below:

	1-bed flat	2-bed flat	3-bed house	4-bed house	Total
Market Housing	-	9 (18%)	10 (20%)	6 (12%)	25 (50%)
Affordable Housing	8 (16%)	11 (22%)	6 (12%)	-	25 (50%)
Total	8	20	16	6	50 (100%)

The proposed indicative housing mix does not align with the recommended mix as set out in the LHNA. However, Policy CP3 recognises that a proposed housing mix may need to be adjusted for specific schemes to take account of market information and specific site factors. Where adjustment to the proportions is sought, applications should explain how relevant factors have contributed to the mix of housing proposed.

Policy CP4 of the Core Strategy requires 45% of all new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. On 24th May 2021, the Government published a Written Ministerial Statement (WMS) to set out the Government's plans for the delivery of First Homes defining the product and changes to planning policy. Following publication of the WMS, Planning Practice Guidance (PPG) was updated to reflect the WMS and will now form a material consideration in decision making. As a result of the introduction First Homes, the tenure mix for affordable housing under Policy CP4 of the Core Strategy (2011) is:

- 25% First Homes

- 70% social rented, and
- 5% intermediate.

The First Homes Policy Position Statement provides more information on the specific requirements for First Homes and is published on the Council's website: <https://www.threerivers.gov.uk/egcl-page/core-strategy>. The application supporting documents state 50% (25 dwellings) of the proposed indicative housing mix would be contribute towards affordable housing provision. On this basis, the application would comply with Policy CP4 but would be subject to receiving further information on the proposed housing and tenure mix.

4.1.11 Herts & Middlesex Wildlife Trust: – Objection

Biodiversity metric not supplied, habitats not justified, condition scores not justified, net loss predicted, not compliant with NPPF requirement of net gain.

NPPF para 174 states:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity'

A biodiversity metric is quoted but not supplied. It must be supplied in original excel form to enable scrutiny. All habitats selected must be justified with data, e.g. botanical surveys with relative abundances and quadrat photographs. Habitats selected must correlate with UK Habitats definitions.

All condition assessment sheets for different habitats must be supplied with evidence to justify why they do not meet criteria.

Irrespective of the missing information the proposal currently delivers a biodiversity net loss.

This is not compliant with NPPF and so should be refused.

5 Pre-application consultation

5.1 Prior to the submission of this Outline application the applicant undertook their own pre-consultation with local residents.

6 Public/Neighbour Consultation

6.1 Number consulted: 29

6.2 No of responses received: 9 objections, 0 letters of support.

6.3 Site Notice: Posted 14.11.2023 Expired 05.12.2023.
Press notice: Published 25.11.2023 Expired 16.12.2023.

6.4 Summary of Responses:

Character

Three storey dwellings is going to be directly be behind dwellings in Crosslands; three storey building not sympathetic to local buildings; government and local authorities need to start looking at developing new towns instead of cramming more and more houses into small villages like Maple Cross; why weren't two or three storey dwellings placed at the back of the site; doctors surgeries, schools and hospitals are fully oversubscribed; removal of trees; increase in pollution; loss of habitat; infrastructure appears to be non-existent; council

should consider repairing old buildings before building new ones; inappropriate development in the Green Belt.

Noise impact on neighbours during and post construction; development will cause a mess to neighbouring properties and cars during construction; overlooking; loss of privacy; loss of outlook onto open fields; invasion of privacy; cut out light to windows of existing properties; views into habitable rooms of existing properties; new outlook onto brick wall is unacceptable; development would have a massive impact and upheaval for the local residents; significant loss to natural daylight; increase in disturbance; too close to the boundary; three storey blocks of flats built so close to existing homes is completely unacceptable.

Highways and Infrastructure

Local bus routes run once an hour; additional traffic; adversely affect existing infrastructure; A412 comes to a standstill very often; more traffic congestion from development; sewers are already overwhelmed; increase congestion; how will the development affect the slip road; already building warehouses and HS2 in Maple Cross don't need further development in Maple Cross at this time; development would be devastating to local wildlife and habitats; bats are protected species.

Technical Matters

Lack of consultation for all Crosslands residents.

6.5 Other Comments:

6.5.1 Chiltern Society: Objection

'Demolition of existing buildings and erection of up to 50 dwellings with associated access, parking, amenity space, landscaping and SuDs basin (Appearance, Layout, Landscaping and Scale as reserved matters) | 24 Denham Way And Land To Rear Maple Cross Rickmansworth Hertfordshire WD3 9RN

The Chiltern Society is a charitable body with 7000 members. We campaign for the conservation and enhancement of the Chilterns National Character Area,. Our role in the planning system is co-ordinated through a network of voluntary planning field officers and co-ordinators.

The proposals in this application for 50% affordable housing are admirable and in accord with the Chiltern Society's principles that at least this percentage should be included in any new development. There is a greater need for this kind of housing than for other higher specification housing.

The location of the site appears to have a lot to commend it from the point of view of access to services. However it is necessary to assess whether the local schools have space for more pupils. The bus service to Rickmansworth is not very frequent and tends to be unreliable it would need improvement. The doctors' surgeries are under heavy pressure and the need for further medical services should be planned before more housing is built.

The site access road would be on to a one way service road leading to a junction with the A412 that is designed mainly for traffic turning left. It could prove difficult for traffic wanting to travel south particularly when there is added warehouse traffic on this road.

With regard to the warehouse traffic, it would be good to have air pollution in the area monitored carefully before more building is considered.

The Society is aware that this area has been included in the Three Rivers proposals for development which are still under discussion. We are nevertheless unable on principle to

support any site which is on Green Belt land as this is. The gap between Maple Cross and Rickmansworth would be narrowed and the Green Belt is designed to prevent the merging of towns and villages.'

7 Reason for Delay

7.1 Delay in obtaining consultee comments.

8 Relevant Planning Policy, Guidance and Legislation

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

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

The 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.

8.1 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.

8.2 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP3, CP1, CP2, CP3, CP4, 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, DM8, DM10, DM11, DM13 and Appendices 2 and 5.

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

8.3 Other

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

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

Housing Delivery Test Action Plan (June 2022)

Housing Land Supply Update (December 2022)

9 **Planning Analysis**

9.1 Procedural Matters

9.1.1 The application has been submitted in outline form 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 for future consideration.

9.1.2 The application is accompanied by a Parameter Plan (P01) which demonstrates how the proposed pedestrian and vehicular access would be provided. In addition, the supporting Planning Statement includes an illustrative layout drawing (Figure 5.3.0) which shows how the site could potentially be developed, although approval is not sought for these details within the application and this illustration is considered as indicative only. Therefore, whilst the following assessment may acknowledge the layout, appearance, landscaping and scale of development, the detail of these matters would be assessed at a subsequent stage should this application be deemed acceptable and permitted.

9.2 Principle of Development

9.2.1 The proposed development would result in a net gain of up to 49 dwellings. The site is not identified as a housing site in the Site Allocations document and would be considered as a windfall site. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

9.2.2 Core Strategy Policy CP2 advises that in assessing applications for development not identified as part of the District's housing land supply including windfall sites, applications will be considered on a case by case basis having regard to:

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

- ii. The sustainability of the development and its contribution to meeting local housing needs,
- iii. Infrastructure requirements and the impact on the delivery of allocated housing sites, and
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

- 9.2.3 The application site falls within Maple Cross which is identified as a Secondary Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development will take place predominantly on sites within the urban area, or previously developed land within Secondary Centres. Policy PSP3 indicates that the Key Centres including Maple Cross will provide approximately 24% of the District's housing requirements over the plan period.
- 9.2.4 It is noted that within the Local Plan Regulation 18 Preferred Policy Options and Sites for Potential Allocation Consultation (June 2021) the site has been put forward as a housing site referenced CFS31 with an indicative dwelling capacity of 55 dwellings. However, the Council's new local plan is yet to be adopted and is still at consultation stage. It's planned adoption is now scheduled for summer / autumn 2025 and thus the consideration of potential allocation of the site for housing can only be afforded limited weight at the current time.
- 9.2.5 Part of the application site is also on the Brownfield Land Register (2020) which confirms that the site is appropriate for residential development and that development is achievable.
- 9.2.6 The NPPF at paragraph 119 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 120(d) states that decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 9.2.7 In respect of achieving appropriate densities the NPPF at Section 11, paragraph 125, emphasises where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 9.2.8 It is well documented that the Council cannot demonstrate a deliverable supply of housing as required by the NPPF, with the Council's current position at approximately 1.9 year supply of housing. The NPPF at paragraph 11 is clear and states that where a local planning authority cannot demonstrate a 5-year supply of deliverable housing sites then the policies within the development plan are considered out-of-date. As a result, when engaging paragraph 11(d) of the NPPF it states that planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The fact the policies are considered out-of-date does not mean that they should carry no weight or be disregarded. In this instance the local plan policies are similar to the requirements of the NPPF and thus have been afforded significant weight.
- 9.2.9 In response to the Housing Delivery Test Result for the Council an Action Plan was required, setting out actions to improve housing delivery. As of June 2022, the Action Plan states at paragraph 3.24 that 'until a new local plan is in place and given the high demand for new homes and the constrained housing land supply, it will be crucial that new developments coming forward make the most efficient use of land'.
- 9.2.10 As stated above, the application site falls within a Secondary Centre in the Core Strategy which states that new development should be focused on sites within the urban area, or previously developed land. Whilst some areas of the application site can be considered as

previously developed land, namely the land containing the buildings at 24 Denham Way along with the buildings and hardstanding used by the tree surgery business; the remainder would be development on garden land within a built-up area which falls outside the definition of previously developed land found in the NPPF.

- 9.2.11 Notwithstanding the above, the location of the site is considered to be highly sustainable. It is located immediately adjacent to the settlement of Maple Cross, opposite other existing residential properties and within walking and cycling distance to local amenities and schools. Furthermore, it is reasonably well connected to services and to local bus routes providing a regular service into the Principal Town Rickmansworth and other nearby settlements. As such, there are no in principle objections to the addition of residential development on the application site in relation to Policies PSP3 and CP2, however this is subject to consideration against other material considerations as discussed below.

9.3 Loss of Commercial Business

- 9.3.1 Policy CP6 of the Core Strategy states that the Council will provide for a range of small, medium, and large business premises and retain overall levels of industrial and warehousing floor space within the district. The development would result in the loss of existing commercial tree surgeons (Sui Generis) use on the site. No evidence has been submitted as part of the application demonstrating that the existing use of the site for commercial use is no longer attractive to the market and suitable. The loss of this space would inevitably conflict with the aims of Policy CP6.

- 9.3.2 Whilst recognising this loss there is some tension between Policy CP6 and the NPPF. Paragraph 123 of the NPPF seeks that local planning authorities support proposals to 'use retail and employment land for homes in areas of high housing demand'. There is a clear need for housing across the District. On the basis that Three Rivers cannot meet its 5-year housing land supply, the loss of the commercial use is considered acceptable to enable the land to come forward as housing.

9.4 Green Belt

- 9.4.1 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts serve five purposes:

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

9.4.2 *Inappropriate Development*

- 9.4.3 Policy CP11 of the Core Strategy sets out that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. This policy is reflective of the NPPF.

- 9.4.4 Policy DM2 of the DMP LDD also sets out that within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance.

- 9.4.5 Policy DM2 is a part of the statutory Development Plan for Three Rivers and post-dates the 2012 NPPF (it was adopted following examination in 2013). It was therefore adopted at a time when national planning policy in respect of development in the Green Belt was very similar as it is today (i.e. very limited difference between 2012 NPPF and 2021 NPPF in

respect of Green Belt). On this basis, it is considered that full weight can be given to DM2 in decision making.

9.4.6 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

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

9.4.7 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

9.4.8 Within the supporting Planning Statement, it is accepted that the proposed development would not fall within any of the exceptions listed above and therefore does not constitute an appropriate form of development. The site is not located within a village and is bounded by open fields thus would not constitute limited infilling in a village. In addition when taken as a whole, the development cannot fall within the scope of 149(g) given that it is not limited infilling and comprises areas which are not previously developed land and for the reasons detailed later in this section of the report, the proposed development would have a greater impact on the openness of the Green Belt in comparison to the existing built form within the site.

9.4.9 In light of the above, the development would therefore fail to fall within any of the exceptions within Policy DM2 of the Development Management Policies LDD or at paragraph 149 of the NPPF and thus would constitute inappropriate development in the Green Belt, which by definition, is harmful. Therefore, conflicting with both local and national planning policy. The harm is afforded substantial weight.

9.4.10 *Openness and Purposes of Green Belt*

9.4.11 In accordance with paragraph 148 of the NPPF Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 137 of the Framework, states that the essential characteristics of Green Belts are their openness and their permanence. The extent to which a proposal may cause harm to openness, might depend on factors such as the scale of the development, its locational context, and its spatial and/or visual implications.

9.4.12 As existing, the site is reasonably open, aside from the limited buildings and hardstanding areas serving the tree surgery business and the two storey dwelling (24 Denham Way) as detailed within Section 2 of this report. Thus, the proposed development which proposes up to 50 new dwellings with ancillary garages, and internal footpaths and roads would introduce

significant levels of built form. The indicative Parameter Plan (PO1) details that the heights would range between single and three storey buildings. These would appreciably reduce the spatial and visual openness of the site. The harm to openness would also not be just as a result of the built form, but the intensification of use through the change of use to residential and the addition of greater vehicular movements and residential paraphernalia which would also serve to materially reduce the openness of the site and change its character to a more suburban environment. The change of use to residential and construction of 50 dwellings would significantly intensify the use of the site; however, as further expanded below the impact on the visual openness is considered to be at a more localised perspective.

- 9.4.13 The Planning Statement makes reference to the Stage 2 Green Belt Assessment (GBA) for Three Rivers District and Watford Borough (October 2019). This Assessment identified the site as 'Parcel MC11'. The assessment concluded that the overall harm to the Green Belt purposes from the release of the land would be *'Low Moderate'*, with a *'negligible'* impact on the adjacent wider area Green Belt. Furthermore, it set out that a proposal would have a 'relatively limited' impact to the contribution to the three Green Belt purposes namely - check the unrestricted sprawl of large built up areas; prevent neighbouring towns merging into one another and assist in safeguarding the countryside from encroachment which will be considered below.
- 9.4.14 The application site is located on the west side of Denham Way towards the northern edge of Maple Cross settlement. The proposed development would result in an extension to urban development within this northern section of Denham Way; however the site is bounded by well-established tree and hedge lines along its north and west boundaries which will be retained, in part, and enhanced to contain the development and provide a clear separation and provide a continuous and defensible boundary between the development site and the adjacent open countryside to the north and west. Crosslands borders the site to the south and the depth of the application site reflects that of the residential development of Crosslands and the other residential development to the south-west (Chalfont Road & Oakhill Close/Oakhill Road). These developments are also contained by similar tree and hedge line boundaries to the open countryside, thus the proposed development would form a continuous and defensible boundary. In addition, the area of the site considered to be previously developed land is within the northern portion of the site, thus taking this into account along with the current appearance of the land and use, this part of the site has been developed. The remaining part to the south would be infilling the gap between Crosslands/Oakhill Close and the developed northern part of the site. On the opposite side of Denham Way is a mix of both residential and industrial developments which extend the spread of more prominent built development considerably further to the northwards and well beyond the application site. Thus, it is not considered that the proposed development would result in encroachment into the countryside; cause the merging of neighbouring towns or result in the unrestricted sprawl of Maple Cross.
- 9.4.15 In the assessment of the impacts of the proposed development towards the Green Belt, regard is had to an appeal in respect of a submission for Outline permission for 22 new dwellings at a site in Benfleet, Essex referenced APP/M1520/W/20/3246788. In determining the appeal the Inspector noted that the proposal would result in a *'spatial diminution'* of the openness of the Green Belt and – where visible – a loss of openness as *'perceived visually'*. The Inspector also acknowledged that the undeveloped appeal site contributed to four of the five purposes of the Green Belt identified by the NPPF (listed at paragraph 8.5.1 above) and attached substantial weight to the harm by reason of inappropriateness and identified the harm to openness and purposes. Notwithstanding this, the Inspector included that the harm was mitigated by a number of factors, such as the presence of development on three sides and thick woodland development to its open side.
- 9.4.16 In conclusion, the proposed development does not fall within any of the exceptions listed at Policy DM2 and paragraph 149 of the NPPF and therefore represents inappropriate development which, by definition, would be harmful to the Green Belt. This harm is attributed

substantial weight. Whilst substantial harm has been identified, for the reasons set out above it is not considered that the proposed development would conflict with the purposes of Green Belts. Furthermore, whilst the proposed development would undoubtedly have a spatial impact on the Green Belt, the perceived visual impact of the residential development would be at a localised level and it is not considered that the development would have a detrimental impact on the wider landscape of the Green Belt in terms of openness.

9.4.17 Paragraph 148 of the NPPF states 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'. This is discussed at para 8.18 below.

9.5 Housing Mix

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

9.5.2 Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs, in terms of size and type of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the Strategic Housing Market Assessment SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA and has identified the indicative targets for market sector dwelling sizes within Three Rivers District, which are as follows:

1 bedroom 5% of dwellings
 2 bedrooms 23% of dwellings
 3 bedrooms 43% of dwellings
 4+ bedrooms 30% of dwellings

9.5.3 The indicative targets for affordable housing are:

1 bedroom 40% of dwellings
 2 bedrooms 27% of dwellings
 3 bedrooms 31% of dwellings
 4+ bedrooms 2% of dwellings

9.5.4 The application proposes the following:

	1-bed flat	2-bed flat	3-bed flat	4-bed house	Total
Market	0	9	10	6	25
Affordable	8	11	6	0	25
Total	8 (16%)	20 (40%)	16 (32%)	6 (12%)	50

9.5.5 Whilst the proposed mix would not strictly accord with the figures set out in the LNHA it is acknowledged that current market conditions need to be taken into consideration. In addition, the housing mix is yet to be finalised as Layout is to be dealt with at reserved matters stage. Nevertheless, the Housing Strategy Officer commented that the mix is agreeable as the proposal seeks a high number of family sized accommodation. The Housing Strategy Officer commented that the main requirement is for 2 bed 4 person units, as Three Rivers have a high requirement for family sized accommodation.

9.5.6 As such, whilst the indicative 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).

9.6 Affordable Housing

- 9.6.1 In view of the identified pressing need for affordable housing in the District, Policy CP4 of the Core Strategy seeks provision of around 45% of all new housing as affordable housing with developments resulting in a net gain of 10 dwellings or above required to provide on-site affordable housing.
- 9.6.2 The development proposes the provision of up to 50 dwellings. The submitted Planning Statement details that 50% of the housing provided would be affordable units.
- 9.6.3 At this stage the tenure and mix of the units has not been confirmed and is only indicative at this time. The proposal would result in 50% of the housing units being provided as affordable housing provision. The applicant has been advised that any future reserved matter application should seek to ensure that affordable housing is tenure blind to ensure that there is no distinction between affordable and market housing on site. This provision would exceed the 45% affordable housing requirement as set out within Policy CP4 of the Core Strategy. The development would also provide the tenure split for rented and ownership products as set out within Policy CP4 of the Core Strategy. The proposal would also provide a high proportion of 2 bed units; the Housing Officer has confirmed that there is a greater need for 2 bed four person units.
- 9.6.4 Whilst the details submitted are indicative due to Layout being a reserved matter, there is a firm commitment from the applicant that the tenure mix of 70% social rent; 25% first homes and 5% shared ownership, and this would be secured via the completion of a S.106 agreement. The S.106 Agreement would be worded such to refer to the provision of affordable housing dwellings as 50% of the total number of dwellings. This would ensure that if the total number of units proposed at reserved matters stage is less than 50 there would still be a requirement for 50% of the revised total to be affordable.
- 9.6.5 In summary, the proposed development would meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) by providing a minimum of 45% affordable housing on site. Whilst the housing mix in terms of unit sizes does not strictly accord with Policy CP3, the Housing Officer has raised no objection to the proposal in this regard.

9.7 Impact on Character and Street Scene

- 9.7.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 9.7.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will be 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.)

9.7.3 As previously noted, this application has been submitted in outline with only the matter of access to be considered. Matters of appearance, layout, landscaping and scale are reserved for consideration as part of a future formal reserved matters application. Therefore, there is no detailed assessment available as part of this application in respect of the potential design of the proposal. However, the surrounding area is residential with groups of houses fronting the roads, with parking to the front. 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.

9.8 Impact on nearby Heritage Assets

9.8.1 There is a Grade II Listed Building known as Barn at Woodoaks Farm and Former Farmhouse at Woodoaks Farm, both are situated north of the application site. There is also a Locally Listed Building 3 Crosslands located to the south of the site.

9.8.2 Policy DM3 of the Development Management Policies LDD sets out that when assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets and to putting heritage assets to viable and appropriate uses to secure their future protection. Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.

9.9 In this case, the development site is located approximately 350m (Listed Barn), 300m (Listed Former Farmhouse) and 35m (3 Crosslands). The application is supported by a Heritage Impact Assessment which concludes that the development would have no material effect on the heritage values of either listed building or the locally listed building. In addition, it set out that the proposed development has a low potential to impact on below ground archaeology. It did suggest that given part of the site is a 'greenfield' site, archaeology may be present and thus if so, it would be of local significance and recording. A condition regarding archaeology is therefore suggested to ensure that the development was not harmful for the purposes of the NPPF. Impact on amenity of neighbours

9.9.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

9.9.2 No in principle objections are raised to the use of the site for residential purposes in terms of impact on the residential amenities neighbouring properties. Loss of light, impact on visual amenities and overlooking is not a consideration under this application as the layout is indicative only and as such any harm cannot be identified as part of the outline application. A full assessment of the impact of appearance, landscaping, layout and scale to be made as part of any subsequent Reserved Matters application.

9.9.3 The siting of the access would be between 22 Denham Way and 12 Crosslands however it is not considered that the proposed access and the subsequent trip generations by those

accessing the development would result in substantial harm to the residential amenities of these closest neighbouring properties or others in the vicinity.

9.10 Open Space Provision and Amenity Space

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

9.10.2 The site area measures approx. 11,000m² and 10% equates to 1,100m².

9.10.3 The application only provides indicative details of the layout of the site, and therefore a full assessment of the quality of the accommodation and quantum and quality of amenity space cannot be made at this time. However, it is considered that given the nature of the site sufficient space would be available to provide acceptable levels of amenity space provision to serve new residential development. Furthermore, the applicant has confirmed that the development would provide 18% of the site area, more than the minimum 10% requirement for public open space. This would be fully considered as part of any subsequent Reserved Matters application however a condition is attached to secure the provision of 18% of the site area

9.11 Wildlife and Biodiversity

9.11.1 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.

9.11.2 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.

9.11.3 Paragraph 180 of the NPPF advises that when determining planning applications, local planning authorities should apply principles including if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

9.11.4 Policy DM6 of the Development Management Policies LDD (adopted July 2013) states that (d) 'development must conserve, enhance and, where appropriate, restore biodiversity through: ii) providing compensation for the loss of any habitats'.

9.11.5 Both Herts Ecology and Herts and Middlesex Wildlife Trust were consulted on the application. HMWT provided a response and raised an objection to the proposed development that the development results in a Biodiversity Net Loss. Herts Ecology were chased for their comments ahead of publication of the report however none were received. Members will be verbally updated at committee should comments be received.

9.11.6 The application has been submitted with a Biodiversity Checklist, an Ecology Survey Report dated October 2022 and a Biodiversity Net Gain Assessment dated September 2022 prepared by RPS Group. The Ecology Report detailed that a Preliminary Ecological

Approach was undertaken in September 2022 which identified habitats present on or near the site with the potential to support reptiles, breeding birds and bats. The site comprises of mainly modified grassland and areas of bare ground with areas of scrub.

- 9.11.7 No reptiles were found on the site. The scrub and woodland were considered suitable for nesting birds and thus advised that development should be undertaken outside of breeding season (March-August inclusive). Bat emergence and re-entry surveys were recommended, following the preliminary bat roost assessment. These surveys identified a roost of low conservation status (a single male/non-breeding female pipistrelle bat) in one of the existing buildings on site and thus concluded that it was suitable for demolition with an appropriate licence. The Local Planning Authority is not aware of any records of other protected species within the immediate area that would necessitate further surveying work being undertaken.
- 9.11.8 The submitted Biodiversity Net Gain Assessment concluded that off-site provision will be necessary in order to ensure that an overall net gain is delivered. The BNG Assessment calculated that the pre-development score of the site when considering the existing habitats was 1.46 biodiversity units. The post development score was based on the proposed plan to provide the creation of new buildings and vegetated gardens with some area set aside for modified grassland, meadow and broadleaved woodland. At present the assessment concluded the habitat was calculated to be 1.19 biodiversity units. The overall score for the site is therefore a net loss of 0.27 habitat units or as a percentage -18.75% of the pre-development score. Based on these figures there would be a net loss of biodiversity as a result of the development, contrary to local and national policy. The Environment Act proposes to mandate the requirement for BNG in legislation, through changes made to the Town and Country Planning Act 1990. However, the legislation required to mandate this is not yet in place. The requirement for 10% BNG is, therefore, not yet enshrined in planning law. Notwithstanding this, the supporting Planning Statement sets out that there is a commitment from the applicant to provide a 10% net gain in biodiversity based on the existing biodiversity value of the site, to include off-site biodiversity enhancements in the local area as necessary. The exact requirements can only be determined at reserved matters stage, once the detailed layout is known, because this affects the BNG metric calculations. Despite the unknown final figure, the Section 106 Agreement would include Heads of Terms setting out the broad principles and binding commitment to provide 10% BNG.
- 9.11.9 In addition to the commitment to 10% BNG the submitted Biodiversity Net Gain Assessment set out that on-site the development would include bat boxes, bird boxes, hedgehog highways and inclusion of long, meadow grassland areas and SUDS features which would provide habitat for invertebrates.
- 9.11.10 In summary, with a 10% BNG provided off-site secured by legal agreement along with the other ecological on-site provisions the proposed development would accord with the Policy DM6 of the Development Management Policies LDD.

9.12 Trees and Landscaping

- 9.12.1 In ensuring that all development contributes to the sustainability of the District, Policy CP12 of the Core Strategy advises that development proposals should: “i) Ensure that development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with adjoining networks of green open spaces”.
- 9.12.2 Policy DM6 of the Development Management Policies LDD advises that development proposals for new development should be submitted with landscaping proposals which seek to retain trees and other landscape and nature conservation features. Landscaping proposals should also include new trees to enhance the landscape of the site and its surroundings as appropriate.

9.12.3 The Landscape Officer was consulted on the application and commented that the existing Tree Preservation Order is very old (1972) and the majority of trees included on it appear to have been removed many years previously. The plans indicate that remaining significant trees would be protected and, provision would be made for substantial new planting. This application has been submitted in outline form, with landscaping to be considered as part of a later reserved matters submission. Any planting would be required to be sited and of a scale and density that would not overshadow the proposed properties and lead to future pressure to fell or lop the trees in the future.

9.13 Highways & Access

9.13.1 Policy CP10 of the Core Strategy states that all development proposals should be designed and located to minimise the impacts of travel by motor vehicle on the District. It further states in particular, major development will be expected to be located in areas of highly accessible by the most sustainable modes of transport, and to people of all abilities in a socially inclusive and safe manner.

9.13.2 In relation to accessibility the NPPF states at paragraph 110:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

b) safe and suitable access to the site can be achieved for all users'

9.13.3 The NPPF goes on to state (Paragraphs 111 and 112):

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

'Within this context, applications for development should:

'a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport.'

9.13.4 The proposal includes a new simple priority junction with a kerbed bellmouth entrance leading to an internal access road with a carriageway width of 4.8m and a 2m wide footway.

9.13.5 Hertfordshire County Council as Highway Authority were consulted in relation to the proposed development. They considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. Therefore, HCC has no objections on highway grounds to the application, subject to the inclusion of conditions relating to the submissions of a Travel Plan Statement and Construction Management Plan, offsite highway improvements and implementation of access roads, parking and service areas. Informatives for the applicant have also been suggested.

9.14 Parking

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

1 bedroom - 1.75 spaces (1 assigned space)

2 bedroom - 2 spaces (1 assigned space)

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

9.14.2 The plans submitted are indicative only and thus the provision of vehicular and cycle parking spaces have not yet been determined. Due to the scale of the site it is reasonable to assume that sufficient parking could be provided to serve the development. The Transport Statement states that all dwellings would have secure cycling parking through either a shed or garage space for the houses or secure cycle storage for the apartments.

9.15 Sustainability

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

9.15.2 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.

9.15.3 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.

9.15.4 The application has been accompanied by an Energy Strategy Statement which details that the proposed development would provide a 19% carbon reduction which would exceed the 5% requirement to comply with Policy DM4. The Statement contains a table of potential renewable energy technologies which could be implemented and details that the energy saving measures for the development would comprise the provision of Solar Photovoltaic panels and incorporate a Fabric First approach for the proposed buildings. The development is therefore considered acceptable in respect of Policy DM4 of the Development Management Policies LDD.

9.16 Sustainable Drainage

9.16.1 The NPPF at paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

9.16.2 Policy CP1 of the Core Strategy recognises that taking into account the need to avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy also acknowledges that the Council will expect development proposals to build resilience into a site’s design taking into account climate change, for example flood resistant design. Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires

development to include Sustainable Drainage Systems (SuDs). In accordance with the Development Management Procedure Order the Lead Local Flood Authority were consulted in relation to the proposed development. At the time of the consultation, the Lead Local Flood Authority were unable to respond to consultation requests due to resourcing pressures. In light of this the LPA instructed a consultant to advise in respect of the appropriateness of the proposed drainage system.

- 9.16.3 The development site is located in Flood Risk Zone 1. The application is supported by a Flood Risk Assessment and Drainage Strategy (Revision A) dated 4th October 2022 and a Phase 1 Geo-Environmental Desk Study (Second Issue) dated 20th September 2022. The scheme proposes to discharge all runoff to ground and has provided supporting infiltration testing. The council's consultant reviewed the information provided and raised concerns with the proposal. They stated that whilst the most conservative site-wide infiltration rate of 7.31×10^{-5} m/s has been used for all features, a Safety Factor of 2 has been used which is considered very low. In addition, the FRA identifies that *"Surface water runoff from the proposed plots will generally be attenuated within the permeable paving on the adjacent driveway or private access/parking areas except for plots 31– 35 which will drain via back garden soakaways"*. Furthermore, the FRA also identifies that *"Where permeable paving is proposed on private driveways, this will be maintained by the homeowners/residents. Homeowners will be made aware of their maintenance responsibilities which will also be included in the deeds for the property and the Homeowner Pack/Homecare Booklet or similar"*. Further to this, the FRA does not clarify how back garden soakaways will be maintained. This was not acceptable by the consultant as surface water will not be managed effectively by all private owners for the lifetime of development including climate change.
- 9.16.4 In light of the comments from the consultant the applicant provided further details and clarification in subsequent Flood Risk Assessment and Drainage Strategy (Revision C) dated 2nd February 2023 and an additional cover letter from Woods Hardwick dated 7th March 2023. The additional information confirmed that a Safety Factor 5 would be used which is considered acceptable. Furthermore, the permeable paving areas across the site would be maintained by a management company and a landscape management and maintenance plan that is secured by condition would ensure this is implemented would also include a requirement for access to private drives. A covenant would also be included on the land to further secure this once the properties are sold. In respect of back garden soakaways these would be maintained by the residents.
- 9.16.5 Thames Water have confirmed that with regard to waste water network and sewage treatment works infrastructure capacity, they do not have any objection to the planning application.
- 9.16.6 It is therefore considered that the proposed development would not cause any unacceptable risk of flooding and is acceptable in accordance with Policy CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).
- 9.17 Refuse and Recycling
- 9.17.1 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

9.17.2 The layout of the access to the site would form part of the consideration of any subsequent Reserved Matters application and this would set out the accessibility and turning space for refuse collection vehicles, as well as full details of waste collection and for the provision of the storage and recycling of waste. Tracking diagrams should be provided identifying that the refuse vehicle can be within 25m of each collection point and can then turn and egress in a forward gear. This will be required to be provided when designing the internal layout as part of a reserved matters application.

9.18 Contamination

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

9.18.2 The application site is located within Source Protection Zone 1 (SPZ1).

9.18.3 The Environment Agency were consulted on the application and initially objected to the proposed development as it was highlighted that the previous industrial uses of the site present a risk of contamination that could be mobilised during construction to pollute controlled waters which they identified as particularly sensitive in this location. To overcome their objection a Hydrogeological Risk Assessment was required and other supplementary information. In response to the EA comments the applicant provided the required information and the EA subsequently withdrew their objection subject to the inclusion of conditions relating to the following

- Remediation Strategy
- Verification Report
- Long Term Monitoring and Maintenance Plan for Groundwater
- Unidentified Contamination
- Borehole Management
- Piling / Foundation Works Risk Assessment
- Infiltration of Surface Water

9.18.4 Affinity Water were also consulted on the application and raised no objections to the application subject to their own suggested conditions relating to contamination. Some of the conditions are similar to those suggested by the EA.

9.18.5 The Council's Environmental Health Officer was consulted on the application and assessed the development in respect of both impacts on air quality and contamination. The commented that the proposed development meets the stage 1 criteria given in the EPUK/IAQM guidance document entitled 'Land-Use Planning & Development Control: Planning For Air Quality'. Consideration should be given to the potential impacts of neighbouring sources on the site and the impact of the development on the surrounding area. They commented that the proposed development may meet the Stage 2 criteria detailed within the aforementioned document. In this case the development would comprise of more than 10 residential units on a site greater than 0.5ha and would provide more than 10 parking spaces. As such, an air quality assessment would be required. The EH Officer considered that 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 for an assessment of the potential impacts of the development and to evaluate any proposed mitigation measures. The applicant has been made aware and an Air Quality Assessment is being prepared for consideration and Members will be updated verbally at the committee meeting.

9.19 Planning Balance

Very Special Circumstances and Tilted Balance

- 9.19.1 The site is located within the Metropolitan Green Belt and it has been clearly demonstrated that the scheme would result in significant harm to the Metropolitan Green Belt through its inappropriateness and harm to the openness. On that basis, Paragraph 11(d)(i) is not triggered because the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development.
- 9.19.2 In relation to very special circumstances, the NPPF sets out the following with regard to inappropriate development:
- 'Inappropriate development is, by definition harmful to the Green Belt and should not be approved in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations'*
- 9.19.3 As set out in the analysis above, it is considered that the proposed development would fail to fall within any of the recognised exceptions to inappropriate development.
- 9.19.4 The material considerations put forward in support of the application by the applicant include the provision of additional housing to serve the district, provision of 50% affordable housing (up to 25 units); the accepted need for Green Belt releases which includes the application site; suitability of the site; a secured commitment to 10% biodiversity net gain, and that the development would provide 19% less carbon emissions than Part L higher than the policy requirement.
- 9.19.5 When considering the harm to the Green Belt, it has been set out in detail at 8.4.8 of this report above that the visual impact on openness is contained at a more local level. The Stage 2 Green Belt Assessment (GBA) undertaken on behalf of the council concluded that the overall harm to the Green Belt purposes from the release of the application site would be 'Low Moderate', with a 'negligible' impact on the adjacent wider area Green Belt. Furthermore, it is also set out that future redevelopment of the site would have a relatively limited impact to the contribution to the Green Belt purposes as set out in the NPPF. This report has set out that it is not considered that the proposed development would result in encroachment into the countryside; cause the merging of neighbouring towns or result in the unrestricted sprawl of Maple Cross. As such, whilst harm arising from the proposed development has been identified through its inappropriateness the application site is not considered unsuitable for development.
- 9.19.6 In relation to housing supply, it is acknowledged that the LPA cannot currently demonstrate a 5-year housing land supply. The provision of additional housing would hold significant weight in favour of the proposed development, especially considering that the site is considered highly sustainable, located immediately adjacent to the settlement of Maple Cross. On the ground the site is read as falling within the settlement – it is located adjacent and behind existing buildings and opposite residential development. The site therefore has a clear physical and functional connection with Maple Cross. The site is also within walking and cycling distance to local amenities and schools and well connected to services and local bus routes to other nearby settlements including the Principal Town Rickmansworth. In addition, weight should be attributed to the site's locational context to the Maple Cross and that part of the site is previously developed land. This all combines to ensure that significant weight is given in favour of the development.
- 9.19.7 Moderate weight can be given to the fact that the development would provide 50% affordable units which would be more than the policy requirement of Policy CP4 and greatly assist with the lack of supply within the District. Whilst the details submitted are indicative at Outline stage due to Layout being a reserved matter, there is a commitment from the applicant that the tenure mix of 70% social rent; 25% first homes and 5% shared ownership

which would meet the guide and this would be secured via the completion of a S106 agreement.

- 9.19.8 Additionally, moderate weight can be afforded to the commitment by the applicant to provide a biodiversity net gain of at least 10% which would be secured by way of a legal agreement. Whilst it is noted that the net gain would be off-site the development would continue to provide biodiversity enhancements include bat boxes, bird boxes, hedgehog highways and inclusion of long, meadow grassland areas and SUDS features which would provide habitat for invertebrates.
- 9.19.9 In addition, further moderate weight can be attributed to the sustainability gains of the proposed development which is shown to result in a 19% carbon reduction which would exceed the 5% requirement to comply with Policy DM4. This would assist in the council's aim to achieving net-zero emissions by 2045 for the District.
- 9.19.10 Lastly, moderate weight can be attributed to the provision of 18% of open public space (subject to useability) which would exceed the 10% requirement for this development in accordance Policy DM11 of the Development Management Policies LDD.
- 9.19.11 The material considerations in favour of the development as noted by Officers are as follows:
- **Significant weight** can be given to the delivery of housing given Three Rivers cannot currently demonstrate a 5 year housing land supply combined with the highly suitable and very sustainable location within the settlement of Maple Cross.
 - **Moderate weight** can be given to the provision of 50% affordable housing which is much needed within the District that will be secured by legal agreement.
 - **Moderate weight** can be given to the commitment by the applicant to provide off-site 10% biodiversity net gain, secure by legal agreement.
 - **Moderate weight** can be given to the provision of approximately 18% public open space for future occupants (subject to useability).
 - **Moderate weight** can be given to the sustainability gains by reducing carbon emissions by 19% assisting in the council's aim to achieving net-zero emissions by 2045 for the District.
 - **Others benefits of weight** include boost to local economies of Maple Cross and Rickmansworth from future occupants of the new dwellings and creation of employment opportunities and jobs during the construction phase.
- 9.19.12 In respect of the applicant's comments regarding Green Belt release, the site has been identified as a potential site for release from the Green Belt and this has been further highlighted by its inclusion in the council's potential allocation of sites or housing within the District. Whilst this is a consideration, the new Local Plan is still at consultation stage and thus only limited weight can be afforded to this point.
- 9.19.13 In conclusion, when considering the above it is considered that the weight afforded to the delivery of much needed housing and affordable housing in a highly sustainable and accessible area, on the edge of the urban area, along with both biodiversity and sustainability gains and above policy open space provision would combine to constitute very special circumstances which outweighs the harm to the Green Belt by reason of its inappropriateness and impact on openness. As a result, the development, subject to conditions and a legal agreement would be acceptable.
- 9.20 Section 106 / Heads of Terms

- 9.20.1 Any grant of planning permission would be subject to the completion of a Section 106 Agreement. The Section 106 Agreement would include Heads of Terms securing the provision of 50% affordable housing at a tenure split of 70% social rent, 25% first homes and 5% shared ownership and a commitment to provide 10% biodiversity net gain. It will also cover the provision of the open space and play equipment, the timing and any maintenance/management required.

10 Recommendation

- 10.1 The application be referred to the Secretary of State for the Department for Levelling Up, Housing and Communities in accordance with the Town and Country Planning (Consultation) (England) Direction 2021.

- 10.2 Provided the Secretary of State does not call in the application for their own determination, and subject to no new material considerations being raised and the recommendation of approval/no objection from the Environmental Health Officer (EHO) and the completion of a Section 106 Agreement securing on-site affordable housing and biodiversity net gain, that the application be delegated to the Head of Regulatory Services to GRANT OUTLINE PLANNING PERMISSION subject to the following conditions:

- C1 An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

- C2 The development hereby permitted shall commence before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

- C3 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

- C4 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Drawing Nos. BO1, PO1 and LO1.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy SA1 of the Site Allocations LDD (adopted November 2014).

- C5 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
 5. No residential unit shall be occupied until a verification report for that unit demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Any changes to these components require the express written consent of the local planning authority. The development shall thereafter be implemented in accordance with the approved scheme.

Reason: This condition will ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C6 Prior to the commencement of the development, no works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- i) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity.
- iii) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

The applicant or developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

The works shall be undertaken only in accordance with the details approved by this condition.

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

- C7 Prior to the commencement of development, details of a Surface Water Drainage Scheme should be submitted to and approved by writing by the Local Planning

Authority that sets out how the scheme would prevent contamination of any public water supply abstractions present. The development shall thereafter be implemented only in accordance with the approved scheme.

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

- C8 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 CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C9 The development hereby permitted shall not be first occupied until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:
- a. At least three months prior to the first use of the development hereby permitted, the details of a suitably qualified person/organisation to act as travel plan co-ordinator at the site would need to be submitted and the Travel Plan Statement updated accordingly.
 - b. A level and type of car and cycle parking in accordance with Three Rivers District Council's (TRDC) adopted standard.
 - c. An appropriate level of active and passive electric vehicle charging provision.
 - d. Provision for on-site refuse/recycling store(s) within 30m of each dwelling and 25m of any collection point;
 - e. Turning areas and swept path analysis to illustrate that a 12m long refuse vehicle (the size used by TRDC) and a fire tender (at least 8.1m in length for a standard fire tender and 10.1m in length for an aerial ladder appliance) would be able to safely access the site layout, turn around on site and egress to the highway network in forward gear. The swept path would need to illustrate that a fire tender would be able to get to within 45m of all parts of the footprint of any dwellings 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).
 - f. An internal layout of the site designed to support a 20mph speed limit in accordance with guidance as laid out in Manual for Streets. Visibility splays of 2.4m by 25m would need to be illustrated at any junctions / vehicle accesses within the site.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C10 No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures in accordance with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

C11 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 have been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- *Vehicle bellmouth access into the site from Denham Way.*
- *Tactile paving and pedestrian dropped kerbs on either side of the proposed bellmouth access.*

Prior to the first occupation of any dwelling within development hereby permitted the offsite highway improvement works 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 in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C12 If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water in accordance with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

C13 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in

accordance with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C14 A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority prior to the installation of any such borehole. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The development shall thereafter be implemented only in accordance with the approved scheme.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in accordance with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C15 Piling, deep foundations and other intrusive groundworks using penetrative measures shall not be carried out other than with the prior written consent of the local planning authority. Such an application shall include details of the measures and equipment to be used and any necessary mitigation measures to protect groundwater resources. The development shall be carried out in accordance with the approved details.

Reason: To ensure that any proposed piling, deep foundations and other intrusive groundworks do not harm groundwater resources in accordance with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C16 No drainage systems for the infiltration of surface water to the ground are permitted to be installed other than with the prior written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C17 The proposed development hereby permitted shall be undertaken in accordance with the Heritage Assessment (Ref: JAC 28220) prepared by RPS Group Ltd. dated 7th September 2022 forming part of the application.

Reason: In order to safeguard any items of architectural or historic interest found on the site which may require recording in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C18 Any subsequent Reserved Matters application shall incorporate open public space covering 18% of the total area of the site.

Reason: To ensure that suitable levels of high quality and maintained public spaces for future residents are provided in accordance with Policy DM11 of the Development Management Policies LDD (adopted July 2013).

10.3 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 development maintains/improves the economic, social and environmental conditions of the District.
- 14 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.
- 15 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.

- 16 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.