

PLANNING COMMITTEE - 14 SEPTEMBER 2023

PART I - DELEGATED

5. **23/0319/FUL - Infilling of natural depression/re-profiling of field with soil from construction of attenuation pond, construction of a temporary access from north of development site onto Little Green Lane to facilitate access for attenuation pond construction and amendment to the details/design of the attenuation pond at Land North Of Little Green Lane, Killingdown Farm, Little Green Lane, Croxley Green, Hertfordshire**

Parish: Croxley Green and Sarratt Parish Councils¹
Expiry of Statutory Period: 22.09.2023 (Agreed Extension)

Ward: Dickinson and Chorleywood North & Sarratt
Case Officer: Claire Westwood

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in by three Members of the Planning Committee due to the high level of interest and the engineering works to the sensitive landscape.

To view all documents forming part of this application please click on the link below:

[23/0319/FUL | Infilling of natural depression/re-profiling of field with soil from construction of attenuation pond, construction of a temporary access from north of development site onto Little Green Lane to facilitate access for attenuation pond construction and amendment to the details/design of the attenuation pond. | Land North Of Little Green Lane Killingdown Farm Little Green Lane Croxley Green Hertfordshire \(threeivers.gov.uk\)](#)

1 Relevant Planning History

- 1.1 20/1881/FUL - Demolition of existing buildings for residential development comprising two-storey houses and three-storey blocks of flats (160 dwellings in total), together with car parking, landscaping, and other associated works. Allowed at appeal 3 March 2022, works commenced.
- 1.2 Various Discharge of Conditions applications have also been determined pursuant to the above.
- 1.3 22/1432/NMA - Non material amendment to planning permission 20/1881/FUL: Increase in size of the double garage serving Plot 2. Permitted 30.08.2022.
- 1.4 22/1917/NMA - Non material amendment to planning permission 20/1881/FUL: Plot 151 - Window added to ground floor WC; Plots 11-12, 13-14, 20-21, 22-23, 54-55, 74-75, 144-145, 146-147 and 148-149 - External meter cupboard and porch removed from front elevation, window added to ground floor WC, canopy added; Plots 70-72 - External meter cupboard and porch removed from front elevation, window added to ground floor WC, canopy added; Plots 4, 8, 49, 52, 53, 64, 73, 76, 82, 83, 86, 87 and 150 - Window added to ground floor WC; Plots 9-10, 16-17, 34-35, 45-46, 50-51, 65-66, 80-81 and 84-85 - External meter cupboard and porch removed from front elevation, window added to ground floor WC, canopy added; and Plot 152 - Window added to ground floor WC. Permitted 03.11.2022.
- 1.5 22/2072/NMA - Non-material amendment to planning permission 20/1881/FUL to allow removal of hedgerow to form temporary construction access, re-planting details for

¹ The main development site falls within Croxley Parish Council area (Dickinsons Ward), however, the northern field falls within Sarratt Parish Council area (Chorleywood North and Sarratt Ward).

hedgerow replacement and removal of swales with soft landscaping features. Permitted 28.02.2023.

- 1.6 23/0114/ADV - Advertisement Consent: Installation of advertising hoardings. Permitted 17.03.2023.
- 1.7 23/0257/NMA - Non-material amendment to planning permission 20/1881/FUL: Amendment to the details/design of the attenuation pond and the deep borehole soakaways; removal of the pond liner; and installation of additional boreholes. Withdrawn.

2 Description of Application Site

- 2.1 The site is located to the north of the village of Croxley Green. Development has commenced on site following the grant of planning permission at appeal relating to planning application 20/1881/FUL. This area is outlined in blue on the submitted site location plan and wraps around three sides of the original complex of farm buildings and is surrounded by established trees and hedgerows. The application site (red line area) includes a route through the main site from Little Green Lane to the south-west to Little Green Lane to the north and also includes an area of land (field) to the opposite side of Little Green Lane to the north of the site. The northern field is within the Metropolitan Green Belt but falls outside of the Conservation Area boundary.
- 2.2 The western part of the site falls within the Croxley Green Conservation Area and Killingdown Farmhouse (outside but enclosed by the wider site) is Grade II Listed. The western boundary adjoins Little Green Lane, a public highway. To the west of Little Green Lane is 'The Green'. To the north west there is a small group of residential properties grouped around a pond. These include No's 1, 2 and 3 Little Green Lane, cottages that are Grade II Listed. Little Green Lane continues along the northern boundary of the main site as an unmade public highway, a narrow lane lined by hedgerows and trees. There is mesh fencing to the eastern boundary with a public right of way and fields beyond. To the south of the site are the residential dwellings which front Dugdales, Lovatts, and Grove Crescent.

3 Description of Proposed Development

- 3.1 Planning permission 20/1881/FUL was granted at appeal in March 2022 for the 'Demolition of existing buildings for residential development comprising two-storey houses and three-storey blocks of flats (160 dwellings in total), together with car parking, landscaping, and other associated works'. The 'associated works' included the construction of an attenuation/balancing pond in the northern field to provide Sustainable Drainage for the development site.
- 3.2 In lieu of transporting soil (from the digging of the attenuation pond) off site, the current application proposes to infill some natural depressions on the northern field, reprofiling part of the field. This would avoid the need to transport any soil off site. The area to be infilled and reprofiled is located to north east of the attenuation pond and has a width (east to west) of approximately 190 metres and length (north to south) of approximately 85 metres. The total volume of fill used would be 11,456 cubic metres. Tree Protection fencing is proposed to the eastern edge adjacent to the field perimeter. The remainder of the field is currently open.
- 3.3 Construction vehicles accessing the northern field to undertake the permitted work would currently take a route along Little Green Lane to the western site boundary, before turning right and continuing along the northern arm of Little Green Lane. In order to avoid using Little Green Lane the current application also proposes the construction of a temporary access from the north of the existing development site. The approved site layout includes a pedestrian access to Little Green Lane to the east of plot 33. The current application proposes to increase the width of the proposed access for a temporary period to enable construction vehicles to cross from the main development site into the northern field. The

application proposes that following the construction of the attenuation pond and re-profiling, that the access would be reduced to pedestrian width as previously approved, with the existing planting and hedging supplemented.

- 3.4 Whilst the location of the attenuation pond is as previously approved, the current application proposes minor amendments to its details and design. These relate to the removal of the pond liner and installation of 6 additional boreholes.

4 Statutory Consultation

- 4.1.1 Croxley Green Parish Council: Concerns.

CGPC supports the concerns raised by the Herts and Middlesex Wildlife Trust.

- 4.1.2 Sarratt Parish Council: Objection.

Object on the basis of what seems an unjustifiable activity on open space in the Green Belt with no special circumstances to override disturbance to the Green Belt. We are also concerned about the impact the proposed works will have on biodiversity of the site and additional potential consequences.

- 4.1.3 Hertfordshire County Council – Highway Authority: No objection.

- 4.1.3.1 Initial comments 19.04.2023:

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 condition:

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:

- approval and/or recommendations from the Highways tree officer at Hertfordshire Highways in respect to the removal of any highway hedges or other vegetation.

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).

Comments

Temporary Access

The proposed construction vehicle access / egress route to the attenuation pond is through the proposed residential development site south of the site, which itself is accessed via Little Green Lane on its western boundary, which is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. The proposed route is shown on submitted drawing number 108-WD-100 G and would utilise one of the proposed new vehicle accesses into the residential site, which itself is being constructed subject to a separate 278 agreement with HCC as Highway Authority.

HCC as Highway Authority would not have an objection to the proposed route, which would be the preferred route over construction vehicles continuing further north and east along Little Green Lane (the lane is narrow to the north of the residential site / south of the pond site).

The access route crosses Little Green Lane again to the north of the residential site. Therefore the applicant would need to apply for a temporary traffic regulation order (TTRO) in relation to this as the highway would need to be temporarily closed whilst the construction

vehicles are crossing the highway at this point. Further details in this respect can be found at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

The applicant would need to enter into a legal agreement in respect to the proposed storm sewer which would cross under Little Green Lane between the storage pond site to the north and the residential dwelling site to the south. Further details in this respect can be found at:

AN) Street works licence (New Roads and Street Works Act - Section 50): The applicant is advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent highway as part of the proposal via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx>

The applicant would need to take into consideration the following highway informatives at all times during the works:

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

AN) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:

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

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

HCC as Lead Local Flood Authority would need to be formally consulted on the proposals at: FRMconsultations@hertfordshire.gov.uk

4.1.3.2 Further comments 24.04.2023:

The tree officer at HCC highways has been out to have a look onsite and has recommended that an appropriate level and type of highway vegetation would need to be provided in close vicinity to the site (along Little Green Lane in close vicinity to the proposals) to counteract

the loss of highway hedges required to form the access route. This is to ensure overall biodiversity net gain in respect of highway vegetation.

In this respect I would recommend a condition similar to the wording as outlined (happy to be advised if the wording needs altering):

Prior to the first commencement of the development hereby permitted, details of an appropriate level and type of highway vegetation shall be provided in close vicinity to the site to ensure an overall biodiversity net gain on highway land. The approved scheme shall be fully implemented before the development is first brought into use.

4.1.4 Herts and Middlesex Wildlife Trust: Objection.

The ecological survey does not have the same footprint as the red line boundary of the proposal. It is unclear as to what the impacts of the proposal will be. In addition the ecological survey dates from August 2020 and appears to be specific to another proposal. It describes a planning application for 160 houses, not the infilling of a natural depression. Ecological information that directly relates to this proposal which identify what is there, how it will be affected by the proposal and how any negative impacts will be avoided, mitigated or compensated must be submitted before this application can be decided.

4.1.5 Herts Ecology: No response received.

4.1.6 HCC Footpath Section: No response received.

4.1.7 Landscape Officer: No response received.

4.1.8 Conservation Officer: No objection.

This application is for the infilling of the natural depression/re-profiling of field with soil from construction of attenuation pond, construction of temporary access from north of development site onto Little Green Lane to facilitate access for attenuation pond construction and amendment to the design/details of the attenuation pond.

The application site is located in the setting of several designated heritage assets, including:

- 1, 2 and 3 Little Green (list entry: 1173675)
- Killingdown Farmhouse (list entry: 1100844)

Taking into consideration the extent of the allowed at appeal (ref. 21/0042/REF), the proposal would not result in any additional harm to the heritage assets. I would not raise an objection to the proposal.

4.1.9 HCC Lead Local Flood Authority: No objection.

4.1.9.1 Initial comments 23.05.2023: Objection.

Thank you for your consultation regarding the above application (received 31 March 2023) for infilling of natural depression/re-profiling of field with soil from construction of attenuation pond, construction of a temporary access from north of development site onto Little Green Lane to facilitate access for attenuation pond construction and amendment to the details/design of the attenuation pond.

We previously provided comments to the (now withdrawn) application 23/0257/NMA, which is closely related to 23/0319/FUL. The applicant has provided a letter (alongside other additional information) with this application to respond to those original comments. Following a review of the submitted information, we object to this planning application in the absence of an acceptable drainage strategy.

Reason

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We have four comments regarding the proposed changes to the attenuation pond detailed in this application:

1. We request that the Local Planning Authority consult the Environment Agency with the specific instruction to comment on the requirement for more deep bore soakaways inside the attenuation pond. We highlight that it is not good practice to put boreholes within an attenuation pond which is designed to treat surface water. We feel this could introduce pollution to groundwater water resources.

2. The PEP Flood Risk Amendments document indicates that additional soakage testing was carried out to facilitate the use of permeable paving, and further refine the rates used in the design of the deep boreholes within the attenuation pond. We note that within the letter to the LLFA (in response to the comments on 23/0257/NMA), it is stated that soakage test results for both the permeable paving and deep boreholes have been included. However, it does not appear that the full results of this additional testing have been provided – we cannot remove our objection until this has been actioned. The drainage calculations provided appear to use the same infiltration rate for all of the deep borehole soakaways. As we do not have the full results, we cannot confirm where this number has come from – we would like to note that an average value should not be used, instead we would expect each individual borehole to use the worst-case infiltration rate obtained from its testing.

3. We note that updated drainage calculations have been provided, now using FEH13. As stated in our initial response on 23/0257/NMA, we now require the use of FEH22 and so the calculations need to be resubmitted. We require supporting information (calculations and relevant drawings) to show that the changes to the attenuation pond does not change any part of the drainage network that feeds into it. Additional surcharge from the attenuation pond could produce flooding within the housing development drainage network. We need to ensure that no additional flood risk will be created from the changes proposed in this development.

4. In addition, we note that there are two instances of flooding shown to occur during the 1 in 100 year plus climate change storm event in the current calculations. The PEP Flood Risk Amendments document states that this flooding will be managed on the highway and permeable paving. We would like to request that the drainage drawing is updated to include the location, depth and extent of this flooding. Information should also be provided regarding nearby finished floor levels to ensure that there is 300mm freeboard between the design flood level and finished ground floor levels of vulnerable development (sub stations, dwellings etc).

Informative

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Applications should use the most up to date FEH2013 data. Other planning applications using FEH2013 rainfall, will be accepted if they are currently at an advanced stage. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

Informative to the LPA

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at FRMConsultations@hertfordshire.gov.uk.

Annex

The following documents have been reviewed, which have been submitted to support the application;

- Response to LLFA comments, WalkerAssociates, April 2023
- PEP Flood Risk Amendments, Walker Associates, April 2023
- Causeway Drainage Calculations, Walker Associates, April 2023
- Private Drainage Layout (Sheets 1-8), WalkerAssociates, January 2023
- Section 104 Adoptable Drainage Layout (Sheets 1-8), WalkerAssociates, February 2023
- Section 104 Adoptable Drainage Layout Storage Pond Design, WalkerAssociates, February 2023
- Private Pavement Construction Details, WalkerAssociates, January 2023
- Pond Construction Details, WalkerAssociates, November 2022
- Schematic Drainage Strategy (Sheet 6), PEP, January 2021
- Additional 4 No. Boreholes Plan, November 2022

4.1.9.2 Further comments 15.06.2023: Objection.

Thank you for your re-consultation regarding the above application (received 5 June 2023) for infilling of natural depression/re-profiling of field with soil from construction of attenuation pond, construction of a temporary access from north of development site onto Little Green Lane to facilitate access for attenuation pond construction and amendment to the details/design of the attenuation pond.

Since our previous response, we note that the applicant has provided a set of updated documents (listed in the Annex) to address our objections. We also note that the Environment Agency have been consulted regarding our concern around the use of extra deep bore soakaways within the attenuation pond. Following a review of this information, we **maintain our objection** to this application.

Reason

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We are satisfied that points 2 and 3 (relating to the provision of soakage testing results and updated calculations) have been actioned and so we can remove those objections. However, we have additional comments to make regarding our two remaining objections:

1. Although an exceedance plan has been provided to indicate the location, depth and extent of the flooding which occurs in the 1% AEP (plus climate change) event, we require the plan to be updated with finished ground and finished floor levels. The plan should demonstrate that the finished floor levels of the housing adjacent to any area of flooding from the drainage network should be at least 300mm above the design flood level. From the information currently available, the flood level marked in red on the exceedance plan would be higher than the finished floor level of the adjacent buildings. **We await further information.**

2. We note that the Environment Agency have been consulted but we strongly recommend that the deep borehole soakaways have appropriate headworks to prevent pollution or contamination entering groundwater. This is to ensure that runoff directly from the housing development roads cannot leak into groundwater down the outside of the borehole casing or directly into the borehole itself. The runoff should be designed to settle into the pond first

to allow suspended solids to drop out of the water prior to final discharge into the boreholes. No pollution of groundwater should occur from the boreholes being situated in the pond.

Informative to the LPA

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at FRMConsultations@hertfordshire.gov.uk.

Annex

The following documents have been reviewed, which have been submitted to support the application;

- Response to LLFA comments, WalkerAssociates, May 2023
- Exceedance Storage Plan, WalkerAssociates, May 2023
- Shallow infiltration test results, Enzygo, November 2022
- Additional boreholes plan, Southern Testing, November 2022
- Factual Borehole Soakaway Report, Southern Testing, May 2023
- Updated drainage calculations, WalkerAssociates, May 2023

4.1.9.3 Further comment 12.07.2023: Objection.

Thank you for your re-consultation regarding the above application (received 20 June 2023) for infilling of natural depression/re-profiling of field with soil from construction of attenuation pond, construction of a temporary access from north of development site onto Little Green Lane to facilitate access for attenuation pond construction and amendment to the details/design of the attenuation pond.

Since our previous response, we note that the applicant has provided a response letter addressing our comments, alongside an updated exceedance flow plan. Following a review of this information, we maintain our objection to this application.

Reason

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We have the following comment to make regarding the updated exceedance plan:

1. We note that the exceedance plan has been updated with finished ground and floor levels. The finished floor levels for the properties adjacent to exceedance areas 1 and 3 are not 300mm above the design flood levels – we require justification into why this cannot be achieved. Area 1 has between 150mm and 300mm freeboard and Area 3 has between 150mm and 250mm freeboard. In addition, we note that the levels surrounding exceedance areas 1 and 3 appears to show that flows would enter Little Green Lane (outside the red line boundary of the site). Although the exceedance plan shows the flooding to be contained within the red line boundary, we require evidence to prove that any flooding in this area would not flow offsite.

Informative to the LPA

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at FRMConsultations@hertfordshire.gov.uk.

Annex

The following documents have been reviewed, which have been submitted to support the application;

- Response to LLFA comments, WalkerAssociates, June 2023

- Exceedance Storage Plan, WalkerAssociates, May 2023

4.1.9.4 Further comments 14.08.2023: No objection.

Thank you for your re-consultation regarding the above application (received 24 July 2023) for infilling of natural depression/re-profiling of field with soil from construction of attenuation pond, construction of a temporary access from north of development site onto Little Green Lane to facilitate access for attenuation pond construction and amendment to the details/design of the attenuation pond.

Since our previous response, we note that the applicant has provided a further response letter addressing our comments regarding exceedance flows. We are now satisfied with the information provided and are able to remove our objection to this application. We would recommend the following condition if the LPA are minded to approve this application.

Condition 1:

The amendments to the attenuation pond and the finished floor levels should be carried in accordance with the Pond General Arrangement Plan (16 June 2023, WalkerAssociates), Response to LLFA Letter (17 July 2023, WalkerAssociates), Drainage Calculations (25 May 2023, WalkerAssociates) and other associated documentation including borehole testing results. Upon completion of the surface water drainage system, as built drawings (both plan and cross section views) of the attenuation pond should be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF.

Informative to the LPA

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at FRMConsultations@hertfordshire.gov.uk.

Annex

The following documents have been reviewed, which have been submitted to support the application;

- Response to LLFA comments, WalkerAssociates, July 2023

4.1.10 Environment Agency: No objection.

4.1.10.1 Initial comments 20.04.2023:

Based on a review of the submitted information, we have no objection to the proposed development.

Advice to Applicant:

Any development using waste or other material for engineering works may require an Environmental Permit, unless it is exempt from the need for a permit.

Waste transported to and from the development must only be carried by a registered waste carrier.

If planning permission is granted, the applicant should arrange a meeting with the Environment Agency to discuss the permitting implications. Such a meeting is unnecessary where the proposal is exempt from the need for a permit.

For information, the applicant will have to agree a waste recovery plan with the Environment Agency for any activity involving the recovery of waste on land as part of the Environment Permit (unless the activity is exempt from the need for a permit).

Please contact our National Customer Call Centre (Tel. 03708 506 506) for advice prior to commencing work or to check whether someone is a registered waste carrier on the public register.

Pre Application Advice:

Regarding future applications, if you would like us to review a revised technical report prior to formal submission, outside a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at HNLsustainableplaces@environment-agency.gov.uk

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 and provide us with a copy of the decision notice for our records.

4.1.10.2 Further comments 31.05.2023: (following request from the LLFA that the LPA consult the EA "with the specific instruction to comment on the requirement for more deep bore soakaways inside the attenuation pond).

I appreciate the concern for Groundwater protection, however unfortunately we don't comment on development in SPZ2/3 (which the development is partially in) and only comment on development in SPZ1 due to resource issues.

Below is our standard advice we use where we can't comment on the specifics of an application:

Advice for LPA/Applicant

We recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance are followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. We expect reports and Risk Assessments to be prepared in line with our [Approach to Groundwater protection](#) (commonly referred to as GP3) and the updated guide [Land contamination: risk management](#) (LCRM). LCRM is an update to the Model procedures for the management of land contamination (CLR11), which was archived in 2016.

In order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution (e.g. soakaways act as preferential pathways for contaminants to migrate to groundwater and cause pollution).
- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

The applicant should refer to the following (non-exhaustive) list of sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

1. Follow the risk management framework provided in the updated guide [LCRM](#), when dealing with land affected by contamination.

2. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information we require in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risk to other receptors, such as human health.
3. 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) as: "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." For this definition and more please see [here](#).
4. Refer to the [contaminated land](#) pages on Gov.uk for more information.
5. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by contamination e.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents and their subsequent updates:
 - BS5930:2015 Code of practice for site investigations;
 - BS 10175:2011+A2:2017 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, BS 6068- 6.11: 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. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be prepared by a "Competent Person" e.g. a suitably qualified hydrogeologist. More guidance on this can be found at: <https://sobra.org.uk/accreditation/register-of-sobra-risk-assesors/>.

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.

Further points to note in relation to DQRAs:

- GP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRAs. This is now available as online guidance: <https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>
- Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50 metres.

- For the purposes of our Approach to Groundwater Protection, the following default position applies, unless there is site specific information to the contrary: we will use the more sensitive of the two designations e.g. if secondary drift overlies principal bedrock, we will adopt an overall designation of principal.

Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a conceptual understanding of soil and contaminant properties, likely and worst-case exposure conditions, leaching mechanisms, and study objectives. During the risk assessment one should characterise the leaching behaviour of contaminated soils using an appropriate suite of tests. As a minimum these tests should be:

- Up-flow percolation column test, run to LS 2 - to derive kappa values;
- pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario;
- LS 2 batch test - to benchmark results of a simple compliance test against the final step of the column test.

Following the DQRA, a Remediation Options Appraisal should be completed to determine the Remediation Strategy, in accordance with the updated guide [LCRM](#).

The verification plan should include proposals for a groundwater monitoring programme to encompass regular monitoring for a period before, during and after ground works e.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period. The verification report should be undertaken in accordance with in our guidance [Verification of Remediation of Land Contamination](#).

We only consider issues relating to controlled waters (groundwater and watercourses). Evaluation of any risks to human health arising from the site should be discussed with the relevant local authority Environmental Health Department.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 87

4.2.2 No of responses received: 11 objections.

4.2.3 Site Notice: Expired 11.05.2023 Press Notice: Expired 29.04.2023

4.2.4 Summary of Responses:

Impact on groundwater; Potential for contamination; No justification for proposal; Environment Agency and Lead Local Flood Authority should be consulted; Flood risk concerns; Loss of hedgerow; Access may be temporary but loss of hedgerow would be permanent; Concerns regarding road closures; Fields are used by horses; Heavy vehicles may injure horses; Reports are outdated; Insufficient details regarding management provided; Impact on badgers; Why is the access needed?; Developers do not care about the environment; Soil should be removed and disposed in an appropriate way; Changing levels should not be required; Nesting birds will be affected; Alter water table; Concerned about response from LLFA raising concerns regarding the finished floor levels; Application should not progress until the applicant has provided satisfactory attenuation measures in accordance with LLFA requirements.

5 Reason for Delay

5.1 Agreed Extension of Time to respond to LLFA objections.

6 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).

6.1 National Planning Policy Framework and National Planning Practice Guidance

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

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.2 The Three Rivers Local 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 CP1, 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 DM2, DM3, DM6, DM8, DM10, DM13 and Appendix 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.

The Croxley Green Neighbourhood Plan (December 2018).

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015). The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 Planning Analysis

7.1 Background

7.1.1 As noted above, planning permission 20/1881/FUL was granted at appeal in March 2022 for the 'Demolition of existing buildings for residential development comprising two-storey houses and three-storey blocks of flats (160 dwellings in total), together with car parking, landscaping, and other associated works'. The 'associated works' included the construction of an attenuation/balancing pond in the northern field to provide Sustainable Drainage for the development site.

7.1.2 In lieu of transporting soil (from the digging of the attenuation pond) off site, the current application proposes to infill some natural depressions on the northern field, reprofiling part of the field. In order to avoid using Little Green Lane the current application also proposes the construction of a temporary access from the north of the existing development site. Whilst the location of the attenuation pond is as previously approved, the current application proposes minor amendments to its details and design.

7.2 Green Belt

7.2.1 Paragraph 147 of the NPPF (2021) advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in Very Special Circumstances.

7.2.2 Paragraph 148 advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.2.3 Paragraph 150 sets out that certain forms of development are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purpose of including land within it. This includes; '*(b) engineering operations*' and '*(e) material changes in the use of land*'.

7.2.4 The five purposes of the Green Belt are set out at paragraph 138 of the NPPF as follows:

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

7.2.5 Policy CP11 of the Core Strategy (adopted October 2011) advises that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt and measures to improve environmental quality.

7.2.6 The land to the north of Little Green Lane is within the Green Belt. The lawful use of the land was for agriculture, however consented application 20/1881/FUL permitted a material change of use of part of the land to accommodate the attenuation pond. In addition, the drainage attenuation pond was considered an engineering operation. These aspects (material change of use and engineering operation) were not considered to be inappropriate as they maintained openness and did not conflict with the purposes of including land within the Green Belt (as set out above). No change was proposed to the remainder of the field, part of which is now proposed to be infilled/reprofiled. Whilst infilling/reprofiling is now proposed, this would not involve a change of use.

7.2.7 The infilling/reprofiling would be considered an engineering operation and would not be inappropriate provided that openness is maintained and that the development does not conflict with the purposes of including land within the Green Belt. In relation to openness, the National Planning Practice Guidance (NPPG) advises that assessing the impact of a proposal on the openness of the Green Belt, requires a judgement based on the circumstances of the case. The NPPG notes that by way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These included, but are not limited to:

- *Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *The duration of the development, and its remediability – taking into account any provisions to return the land to its original state or to an equivalent (or improved) state of openness; and*
- *The degree of activity likely to be generated, such as traffic generation.*

7.2.8 The land is currently undulating with natural depressions. The proposal would infill some of these existing depressions creating a more level profile, however, there would be no significant level changes and the land would remain undulating in appearance. No fencing or boundary treatments are proposed, with the land remaining open in character and appearance. It is not considered that the works would affect openness. Following completion of the works there would be no increased activity associated with the infilling/reprofiling.

7.2.9 With regards to the five purposes of including land within the Green Belt as set out at 7.2.4 above, the development would not conflict with these purposes.

7.2.10 The nature of the development is such that the openness of the Green Belt would be maintained and the development would not conflict with the purposes of including land within the Green Belt. The development would therefore be acceptable in accordance with Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF.

7.3 Highways & Access

7.3.1 Paragraph 111 of the NPPF states that; *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

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

7.3.3 Construction vehicles accessing the northern field to undertake the permitted work would currently be required to take a route along Little Green Lane to the western site boundary, before turning right and continuing along the northern arm of Little Green Lane. In order to avoid using Little Green Lane the current application proposes the construction of a temporary access from the north of the existing development site.

7.3.4 The approved site layout includes a pedestrian access to Little Green Lane to the east of plot 33. The current application proposes to increase the width of the proposed access for a temporary period to enable construction vehicles to cross Little Green Lane from the main development site into the northern field. The application proposes that following the construction of the attenuation pond and re-profiling, that the access would be reduced to pedestrian width as previously approved, with the existing planting and hedging supplemented.

- 7.3.5 Hertfordshire County Council as Highway Authority raise no objection to the proposed construction traffic route, noting that it is the preferred route as it would avoid construction vehicles continuing further north and then east along Little Green Lane where the lane narrows and there are existing residential properties.
- 7.3.6 HCC note that the proposed access route would cross Little Green Lane from the existing development site into the northern field. Whilst no objection is raised they note that the applicant would need to apply for a temporary traffic regulation order (TTRO). The applicant would also need to enter into a legal agreement with HCC in respect to the proposed storm sewer which would cross under Little Green Lane between the storage pond site to the north and the residential dwelling site to the south.
- 7.3.7 Whilst HCC raise no objection and consider the route favourable, they do request that a condition be included on any grant of consent to ensure that appropriate landscaping is provided to mitigate the loss of highway hedging required to facilitate the widening of the previously approved access. A landscaping plan has been provided with the application which details the proposed replacement planting. A condition on any grant of consent would require the implementation of the landscaping following cessation of use of the temporary construction access.
- 7.3.8 Subject to condition the development would be acceptable on highways grounds in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

7.4 Drainage & Flood Risk

- 7.4.1 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD (adopted July 2013) 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). A SuDS scheme for the management of surface water has been a requirement for all major developments since April 2015.
- 7.4.2 The Lead Local Flood Authority (LLFA) are the statutory consultee for drainage on major applications. The LLFA raised an initial objection to the proposed amendments to the attenuation pond, however, during the course of this application additional information has been provided in response to comments from the LLFA. The LLFA have confirmed that the additional information provided addresses their concerns and they therefore raise no objection to the proposal subject to a condition requiring the development to be carried out in accordance with the approved details and subject to as built drawings being submitted to the LPA following the completion of the surface water drainage scheme.
- 7.4.3 Subject to the requested condition, the development is considered acceptable in this regard in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

7.5 Wildlife and Biodiversity

- 7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.5.2 Policy CP1 of the Core Strategy (adopted October 2011) advises that; "all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to" (amongst other things) (f) "protect and enhance our natural, built and

historic environment from inappropriate development and improve the diversity of wildlife and habitats”.

- 7.5.3 Policy CP9 of the Core Strategy (adopted October 2011) advises that; “The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces”.
- 7.5.4 Policy DM6 of the Development Management Policies LDD advises that development should result in no net loss of biodiversity value across the District as a whole.
- 7.5.5 Detailed ecological surveys were submitted with application 20/1881/FUL. Whilst these surveys included the area of the attenuation pond, they did not include the area of the proposed infilling and re-profiling. As such the current application includes a Technical Note prepared by ACD Environmental (April 2023).
- 7.5.6 The proposed location of the area of field proposed for infilling comprises of managed agricultural grassland. The field was harvested for hay prior to the construction of the artificial badger sett in 2022 – details of which were approved pursuant to 20/1881/FUL. The area to be infilled is located a minimum of 45 metres from the badger sett which is protected by post and rail fencing. Whilst the works would therefore not have a direct impact, the Technical Note makes recommendations in order to minimise the impact and it is therefore suggested that compliance with the Technical Note be a condition of any grant of consent.
- 7.5.7 The field itself given its former use is not of high ecological value. Following infilling the land would be seeded and would therefore be returned to its grass. Given the time of year, no removal of vegetation should take place unless it has been searched immediately beforehand to ensure that it is free of nesting birds.
- 7.5.8 Subject to conditions the development is considered to comply with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

7.6 Heritage, Landscape & Character

- 7.6.1 The western part of the wider site falls within the Croxley Green Conservation Area. A small part of the current red line area where the proposed access route enters the site from Little Green Lane falls within the Conservation Area. There are a number of statutory Listed and Locally Important buildings in the vicinity. Killingdown Farm (the main farmhouse), Croxley House to the west of the site and the cottages at No’s 1-3 Little Green Lane to the north-west are Grade II Listed. Waterdell House, Little Waterdell House and Coachman’s Cottage to the north are Locally Listed and there are other Locally Listed buildings within the farm complex.
- 7.6.2 Policy DM3 of the Development Management Policies LDD advises that the Council will preserve the District’s Listed Buildings and that “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.” Policy DM3 advises that development in Conservation Areas should preserve and enhance the special character of the area and development should not affect the setting of an adjacent Conservation Area or views into or out of.
- 7.6.3 Policy PRO1 ‘Killingdown Farm Development Site’ of the Croxley Green Neighbourhood Plan (Referendum Version, December 2018) advises that the proposed development should preserve or enhance the character and appearance of the Conservation Area and the setting of Listed Buildings.

7.6.4 The proposed infilling and reprofiling works to the northern field would fall outside of the Conservation Area boundary and the Conservation Officer has raised no objection. The land would remain naturally undulating with no change of use proposed such that there would be no material change to the character or appearance of the landscape following the proposed works. The creation of a construction vehicle route through the existing development site would remove construction traffic from parts of Little Green Lane, avoiding the need for construction traffic to pass existing buildings included the Listed cottages at No's 1 -3 Little Green Lane. A small section of the hedge would be removed to facilitate the temporary construction access. It is noted that the consented scheme included creation of a pedestrian access at this point and following completion of the proposed works landscaping is proposed to enhance the boundary, with the access reduced to pedestrian access only.

7.6.5 Subject to conditions including regarding landscaping, it is not considered that the proposed development would have an adverse impact on the character or setting of the Conservation Area or any Listed Building or on the character of the area or landscape and the development would accord with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013) in this regard.

7.7 Trees

7.7.1 In ensuring that all development contributes to the sustainability of the District, Policy CP12 of the Core Strategy (adopted October 2011) 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”.

7.7.2 Policy DM6 (Biodiversity, Trees, Woodlands, Watercourses and Landscaping) of the Development Management Policies LDD (adopted July 2013) 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.

7.7.3 With the exception of trees/vegetation to the eastern boundary of the northern field, the area proposed to be infilled / re-profiled is open and free from vegetation. The submitted plans include Tree Protection Fencing to the eastern field edge to ensure that the boundary vegetation is protected and to ensure that soil is not deposited on the roots. The erection of this protective fencing would be a condition of any grant of consent.

7.7.4 As set out above, the approved site layout includes a pedestrian access to Little Green Lane to the east of plot 33. The current application proposes to increase the width of the proposed access for a temporary period to enable construction vehicles to cross from the main development site into the northern field. It is proposed to remove a wider section of hedge to facilitate the temporary access. The application proposes that following the construction of the attenuation pond and re-profiling, that the access would be reduced to pedestrian width as previously approved, with the existing planting and hedging supplemented as shown on the submitted landscaping plan. The existing hedge in this location is of varying density, with existing gaps present. The proposed landscaping plan presents an opportunity to increase the density of planting to the hedgerow adjacent to the pedestrian access following completion of the works and therefore no objection is raised. Given the time of year, no removal of vegetation should take place unless it has been searched immediately beforehand to ensure that it is free of nesting birds.

7.8 Amenity

- 7.8.1 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities.
- 7.8.2 The nature of the proposed infilling and re-profiling is such that it would not result in demonstrable harm to neighbouring amenity. Similarly, the amendments to the attenuation pond are minor in nature and would not affect neighbouring amenity.
- 7.8.3 It is intended that the provision of a temporary construction access route through the main development site would be of benefit to the amenities of occupiers of properties along Little Green Lane as construction traffic would not pass along the lane in front of these properties. As noted above, HCC as Highways Authority consider the proposed route to be preferable.
- 7.8.4 As such the proposed development would not result in demonstrable harm to neighbouring amenity and would accord with Policy CP12 of the Core Strategy (adopted October 2011) in this regard.

7.9 Planning Balance

- 7.9.1 The proposed development would not be inappropriate in the Green Belt and would not adversely affect heritage assets. Subject to conditions there would be no adverse effect on ecology or drainage/flood risk. A small additional section of hedgerow would be removed to facilitate the construction access, however, this is of limited additional width and the application proposes landscaping to enhance the boundary following closure of access for construction purposes. Hertfordshire Highways raise no objection and note that the construction route is their preferred route, avoiding the narrower part of Little Green Lane which will also result in less disturbance to existing residential properties in this location. There are also environmental benefits due to the reduction in vehicle numbers if the soil is retained on the site. The applicant has estimated that approximately 400 lorry trips would be required if the soil is to be exported from the site. For the reasons set out above, subject to conditions the development is considered acceptable and in accordance with policy.

8 **Recommendation**

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

- C1 TIME: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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.

- C2 PLANS: The development hereby permitted shall be carried out in accordance with the following approved plans:

108-LOC-01 A (Location Plan)
108-WD-99 (Overall Site Layout)
7462-WAC-ZZ-00-D-90001 C (Storage Pond Cut & Fill Plan)
GIA-DR-L-042 PO1 (Hedge Replacement Proposals)
Site Traffic Route
108-WD-100 G (Proposed Construction Vehicle Route Rev A)
10099-D-TPP (Existing Site Plan – Tree Constraints)
Tree Schedule 15/02/2023
481819-PEP-00-XX-SK-C-1830 (Schematic Drainage Strategy 6 of 6)
481819-PEP-00-XX-SK-C-1831 (Pond Sections 1 of 3)
481819-PEP-00-XX-SK-C-1832 (Pond Sections 2 of 3)
481819-PEP-00-XX-SK-C-1833 (Pond Sections 3 of 3)
481819-PEP-00-XX-SK-C-1834 (Pond Details)
Fig No. 3c (Additional 4. No. Boreholes Plan)

7462-WAC-ZZ-00-D-90002 (Exceedance Storage Plan)
 7462-WAC-ZZ-00-D-20007 (Pond General Arrangement Plan)
 7462-WAC-ZZ-00-DR-D-10008-C (PRIVATE DRAINAGE MANHOLE SCHEDULE)
 7462-WAC-ZZ-00-DR-D-10009-D (PRIVATE DRAINAGE LAYOUT SHEET 1)
 7462-WAC-ZZ-00-DR-D-10010-C (PRIVATE DRAINAGE LAYOUT SHEET 2)
 7462-WAC-ZZ-00-DR-D-10011-C (PRIVATE DRAINAGE LAYOUT SHEET 3)
 7462-WAC-ZZ-00-DR-D-10012-B (PRIVATE DRAINAGE LAYOUT SHEET 4)
 7462-WAC-ZZ-00-DR-D-10013-B (PRIVATE DRAINAGE LAYOUT SHEET 5)
 7462-WAC-ZZ-00-DR-D-10014-B (PRIVATE DRAINAGE LAYOUT SHEET 6)
 7462-WAC-ZZ-00-DR-D-10015-D (PRIVATE DRAINAGE LAYOUT SHEET 7)
 7462-WAC-ZZ-00-DR-D-10016-D (PRIVATE DRAINAGE LAYOUT SHEET 8)
 7462-WAC-ZZ-00-DR-D-10401-D (S104 ADOPTABLE DRAINAGE LAYOUT SHT 1)
 7462-WAC-ZZ-00-DR-D-10402-D (S104 ADOPTABLE DRAINAGE LAYOUT SHT 2)
 7462-WAC-ZZ-00-DR-D-10403-C (S104 ADOPTABLE DRAINAGE LAYOUT SHT 3)
 7462-WAC-ZZ-00-DR-D-10404-C (S104 ADOPTABLE DRAINAGE LAYOUT SHT 4)
 7462-WAC-ZZ-00-DR-D-10405-E (S104 ADOPTABLE DRAINAGE LAYOUT SHT 5)
 7462-WAC-ZZ-00-DR-D-10406 (S104 ADOPTABLE DRAINAGE LAYOUT SHT 6)
 7462-WAC-ZZ-00-DR-D-10407-C (S104 ADOPTABLE DRAINAGE LAYOUT SHT 7)
 7462-WAC-ZZ-00-DR-D-10408-C (S104 ADOPTABLE DRAINAGE LAYOUT SHT 8)
 7462-WAC-ZZ-00-DR-D-10409-C (S104 Adoptable Drainage Layout - Pond)
 7462-WAC-ZZ-00-DR-D-10410-D (S104 Adoptable Drainage Layout – Manholes)
 7462-WAC-ZZ-00-DR-D-10411-D (S104 Adoptable Drainage Layout – Manholes)
 7462-WAC-ZZ-00-DR-D-30002-C (PRIVATE PAVEMENT DETAILS)
 7462-WAC-ZZ-XX-DR-D-20006 (Pond Construction Details)

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM3, DM6, DM8, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C3 TREE PROTECTION: The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme as shown on drawing 108-WD-99 before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C4 BIRD NESTING SEASON: No removal of trees, hedges or scrub shall take place between 1 March and 31 August inclusive unless searched immediately beforehand and certified free of nesting birds by a qualified ecologist.

Reason: To protect the amenities of wildlife during the primary nesting season and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 LANDSCAPING: Immediately following the completion of the construction of the attenuation pond and infilling of natural depression/re-profiling of field (whichever is

completed last), use of the temporary construction access to the field shall cease, the access point in the hedge adjacent to Plot 33 shall be reduced in width and the replacement planting implemented in accordance with drawing GUA-DR-L-042 P01.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following completion of the approved works.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area, in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C6 ECOLOGY: The development shall be carried out in accordance with the mitigation measures set out in the Technical Note prepared by ACD Environmental (dated 27 April 2023).

Reason: In the interests of biodiversity and in accordance with Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C7 DRAINAGE: The amendments to the attenuation pond and the finished floor levels should be carried in accordance with the Pond General Arrangement Plan (16 June 2023, WalkerAssociates), Response to LLFA Letter (17 July 2023, WalkerAssociates), Drainage Calculations (25 May 2023, WalkerAssociates) and other associated documentation including borehole testing results. Upon completion of the surface water drainage system, as built drawings (both plan and cross section views) of the attenuation pond should be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

8.2 **Informatives:**

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

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

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

by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

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

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

{\b (a)} Making a Non-Material Amendment

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

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

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

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

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

- 13 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.
- 14 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- 15 Street works licence (New Roads and Street Works Act - Section 50): The applicant is advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent highway as part of the proposal via the County Council's website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx>
- 16 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
- 17 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.
Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 18 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.