

PLANNING COMMITTEE – 19 OCTOBER 2023

23/0701/FUL – Variation of Condition 4 (Affordable Housing), Condition 5 (Specification of Access), and Condition 7 (Bus stop and Crossing works) attached to outline planning permission 19/2419/OUT (Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved)) to reflect the scheme coming forward as 100% affordable (a mix of affordable rent and shared ownership), and to ensure the development can commence prior to the details of the new access point, bus stop and crossing points being approved. at LAND TO SOUTH OF FOXGROVE PATH/HEYSHAM DRIVE, SOUTH OXHEY, WATFORD, WD19 6YL

Parish: Watford Rural

Ward: South Oxhey

Expiry of Statutory Period: 1 August 2023
(Extension agreed to 27 October 2023)

Case Officer: Adam Ralton

Recommendation: That outline planning permission be granted subject to conditions

Reason for consideration by the Committee: The application site includes land owned by Three Rivers District Council.

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=RTYT2LQFFJN00>

1 Relevant Planning History

- 1.1 17/2053/OUT: Outline Application: Residential development of up to 49 dwellings, comprising a mix of houses and apartments, construction of parking spaces, landscaping and ancillary works (all matters reserved). Approved January 2018.
- 1.2 19/2419/OUT: Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved). Approved May 2020.
- 1.3 23/0699/AOD: Approval of Details: Residential development of 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (Reserved matters application containing details of appearance, landscaping, layout and scale pursuant to Condition 1 attached to Outline Planning Permission 19/2419/OUT). Under consideration.
- 1.4 A number of applications to discharge conditions attached to outline planning permission 19/2419/OUT have been submitted to the LPA for consideration. These applications are not listed here but are available on the online planning register.

2 Description of Application Site

- 2.1 The application site has an area of approximately 1.6 hectares and is located to the south of Heysham Drive and Foxgrove Path. The site contains a parcel of open land. The site currently contains two field shelters but is otherwise vacant. The site is approximately 145 metres wide, and has a maximum depth of 160 metres. The site slopes down from south to north, such that it slopes down toward the properties which front Heysham Drive and Foxgrove Path.

- 2.2 The site is currently accessed from a gate at the south-eastern end of Foxgrove Path. There is a public footpath which runs through the site from the south-western corner toward the centre of the eastern boundary. A public footpath also runs adjacent to but outside the southern boundary of the site, and a third runs adjacent to the north and western boundaries.
- 2.3 To the north and west of the application site are the two storey rows of terraced properties (both houses and flats) which front Heysham Drive, Ashford Green and Foxgrove Path. The dwellings which back on to the site have rear garden depths of between 13 metres and 18 metres. To the south of the site are open fields, located within the London Borough of Harrow and allocated within their Local Plan as Green Belt. To the east of the site is Prestwick Road Meadows Local Nature Reserve.
- 2.4 The character of the area to the north and west is primarily residential, with two storey semi-detached and terraced properties. Car parking is primarily on-street in designated bays.
- 2.5 The site is an allocated Housing Site H(31), and on adoption of the Site Allocations LDD in 2014 the site was removed from the Green Belt.

3 Description of Proposed Development

- 3.1 This application seeks approval for the variation of four conditions attached to outline planning permission 19/2419/OUT.
- 3.2 Variations are sought to Condition 4 (Affordable Housing) as a result of a change to the scheme from providing 45% affordable housing and the remainder market housing, to providing 100% affordable housing.
- 3.3 Variations are sought to condition 5 (specification of access) and condition 7 (details of bus stop and crossing works) to vary the trigger points for the condition to take effect.
- 3.4 As submitted, the application sought a variation to condition 14, to provide the outstanding details required by that condition and therefore change the nature of the condition to a compliance condition requiring the development to be implemented in accordance with the submitted details. However, during the course of the application the applicant has withdrawn those details from this submission, and they have been submitted as part of a separate discharge of condition application (ref 23/1632/DIS).

4 Consultation

4.1 Statutory Consultation

4.1.1 Watford Rural Parish Council:

No comments received.

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

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.

Comments

No specific objection to the suggested variation of wording for condition 5 and 7. Three Rivers District Council may wish to consider what is a reasonable in relation to the suggested wording of "relevant part of the development". The applicant would also need to be aware to apply for the necessary 278 highway works in good time to ensure that full

technical approval and subsequent provision of the works can be completed prior to occupation of the site.

Further details in respect to entering into a Section 278 Agreement with the Highway Authority:

AN) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>.

HCC as Highway Authority would not have any specific comment in relation to the variation of condition 4 nor condition 14.

4.1.3 Hertfordshire County Council – Lead Local Flood Authority (Response 1 – May 2023): [No comment]

As conditions 4, 5 and 7 do not relate to flood risk or drainage, the LLFA has no comment to make on this application.

OFFICER NOTE: Following receipt of the above, the LLFA were advised that the application seeks to provide details pursuant to Condition 14, with a Detailed Surface Water Scheme submitted and comments were sought on the acceptability of those details.

4.1.3.1 Hertfordshire County Council – Lead Local Flood Authority (Response 2 – June 2023): [Objection]

The LLFA is unable to recommend the discharge of Condition 14 because insufficient information has been provided.

OFFICER NOTE: Following receipt of the above, the applicant has withdrawn the consideration of condition 14 from this current application and will deal with that condition through the discharge of condition route.

4.1.4 National Grid: [No response received]

No comments received at the time of drafting report. Any comments will be reported at the committee meeting. In their response in respect of the outline planning application, National Grid identified apparatus in the vicinity of the site, which is set beyond the south boundary of the site.

4.1.5 Three Rivers District Council – Strategic Housing Manager: [No objection]

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.

The variation proposed to the affordable housing provision, an increase of a 45% provision to a 100% provision, has not decreased the number of rented properties to be provided (17) and has provided a significant increase on the overall amount affordable housing to be provided by the development. On the basis that the development will provide 100% affordable housing, I confirm that I generally support this application, however if a higher provision of rented properties can be provided, this would be encouraged.

4.2 Public/Neighbour Consultation

4.2.1 Site Notice: Posted 17 May 2023, expired 8 June 2023.

4.2.2 Press notice: Published 19 May 2023, expired 10 June 2023.

4.2.3 Number of neighbours consulted: 278

4.2.4 No of responses received: 16 letters of objection received, making the following comments (summarised):

- Despite a petition there has been determination for this to proceed.
- Fail to understand how the land was voted off from Green Belt register.
- Removal of parking on one side of Foxgrove Path is unacceptable, there are more than 20 cars parked on this side of the road on a daily basis.
- No consideration that neighbours on the street are elderly or have young children.
- Removal of parking is unjust and devalues properties.
- Curbs should be dropped for all properties.
- What consideration is given to residents who work from home during construction activities.
- The land was not used as playing fields but as grazing land for many years.
- The land is linked to the local nature reserve and has become a part of it.
- Disruption to Foxgrove Path during the works will be unacceptable.
- Moved to the area because of the green space, concern regarding disruption, noise, extra people in the area.
- Concern about construction equipment and vehicles causing extra traffic.
- Proposal will impact on drainage systems.
- Should consider building over the railway.
- No acknowledgements that residents have Blue Badges or young children, moving parking spaces away from houses shows no consideration for current home owners.
- We must preserve nature and wildlife, not destroy it.
- Heysham Drive is overwhelmed with driving and parking, and this development would make it worse.
- This natural meadow should be protected.
- Proposal will harm wildlife.
- Insufficient local infrastructure to cope with the additional population.
- Residents will require replacement street lighting.

5 Reason for Delay

5.1 Re-consultation due to amended documents being submitted, and ongoing dialogue between applicant and Lead Local Flood Authority.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation:

- 6.1.1 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 the Town and Country Planning Act 1990).
- 6.1.2 The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 6.1.3 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.

6.2 National Planning Policy Framework and National Planning Practice Guidance

- 6.2.1 In September 2023 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.
- 6.2.2 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

6.3 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 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, 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 and site H(31) are relevant.

6.4 Other

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

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

7 Planning Analysis

7.1 Background

- 7.1.1 Outline planning permission was granted in May 2020 for a residential development of up to 53 houses as detailed at para 1.2 above. The application site is identified within the Site Allocations document as site H(31). The site allocations document identifies the site as grazing land with a dwelling capacity of 50. It comments that the site is adjacent to a wildlife site and Local Nature Reserve (Prestwick Road Meadows), and that measures to avoid adverse impacts and enhance biodiversity will need to be provided by developers, supported by adequate ecological surveys.
- 7.1.2 The site is outside but directly abuts South Oxhey which is identified as a Key Centre in the Core Strategy. The Core Strategy acknowledges that whilst the scope for development on the edge of the Key Centres is constrained by Green Belt and other environmental designations, there are opportunities to promote sustainable development through limited development within the Green Belt. The application site was formerly designated as Green Belt, but its inclusion within the Site Allocations LDD removes this constraint.
- 7.1.3 Policy SA1 of the Site Allocations document sets out that allocated housing sites should be developed at an overall capacity which accords generally with the indicative capacity for each site. As set out at section 1 above, outline planning permission was granted in May 2020, taking account of the above, for a residential development of up to 53 houses. That approval followed an approved outline planning application for up to 49 houses.
- 7.1.4 Therefore, the site benefits from an outline planning permission confirming the principles of developing the site for up to 53 houses to be acceptable, and also confirming the proposed means of access to the site to be acceptable. This application seeks approval for variations to four conditions attached to the outline planning permission, as follows:

7.2 Condition 4 – Affordable Housing

- 7.2.1 Development Plan (Core Strategy) Policy CP4 sets out that ‘in order to increase the provision of affordable homes in the District and meet local housing need as informed by the Strategic Housing Market Assessment, the Council will:
- a) In view of the identified and pressing need for affordable housing in the District, seek an overall provision of around 45% of all new housing as affordable housing, incorporating a mix of tenures. All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.
- b) As a guide, seek 70% of the affordable housing provided to be social rented and 30% to be intermediate.
- 7.2.2 It should be acknowledged that CP4(b) requires 70% of affordable housing to be social rented. The NPPF recognises affordable housing for rent to include those where the rent is set in accordance with the Government’s rent policy for Social Rent or Affordable Rent.
- 7.2.3 It should also be noted that having regard to the Affordable Homes Update Written Ministerial Statement (24 May 2021), the mix of tenures provided must include First Homes. Planning Practice Guidance requires that 25% of all affordable housing units secured through developer contributions should be First Homes. Therefore, in respect of major planning applications the position is that the 45% affordable housing contribution should comprise 70% social rented, 25% first homes, and 5% intermediate.
- 7.2.4 Outline planning application 19/2419/OUT was accompanied by a Planning Statement which set out that the development of 53 houses proposed 45% affordable housing (24 dwellings) of which 70% were proposed to be social rented and 30% shared ownership. This is aligned with the requirements of Core Strategy Policy CP4 and the Affordable Housing SPD.

7.2.5 Outline planning permission was granted subject to condition 4. The parts of the condition relevant to the current application are set out below:

No development shall take place until a scheme for the provision of Affordable Housing to be constructed on the site pursuant to the planning permission has been submitted to and approved in writing by the Local Planning Authority. The Affordable Housing shall be provided in accordance with the approved scheme. The scheme shall include:

the numbers, type, unit size, tenure and location of the Affordable Housing to be constructed on the site which shall not consist of less than 45% of the total number of the Dwellings permitted, of which 70% shall be constructed and Provided as Social Rented Dwellings and 30% shall be constructed and Provided as Shared Ownership Dwellings;

7.2.6 The current application seeks an amendment to the affordable housing provision. The site is now proposed to be developed to provide 100% affordable housing instead of 45% affordable housing. This is proposed to be broken down to 17 affordable rented homes and 36 shared ownership homes. The difference between the current scheme and the approved scheme are set out in the table below.

	Total dwellings	Total affordable dwellings	Total affordable rental product	Total affordable ownership product
19/2419/OUT	53	24	17	7
23/0701/FUL	53	53 (+29)	17 (+0)	36 (+29)

7.2.7 From the table above, it can be seen that the number of rental properties proposed has not changed, however the development now seeks to provide 36 affordable home ownership properties (Shared Ownership) instead of the 7 proposed in the previous application. No market housing is proposed.

7.2.8 It is noted that the type of affordable rental product has also been changed. Whereas the previous application proposed 17 properties as Social Rent, the current application proposes those 17 to be Affordable Rent. It is acknowledged that this means the rental values are increased from approximately 50% of market rent to up to 80% of market rent. However, in this instance the applicant proposes the rent to be capped at SW Herts Local Housing Allowance (LHA) which means that it will be affordable for households on no, or low, earned incomes if they are eligible for LHA. As a working example provided by the applicant, assuming the typical 3 bedroom house for rent in South Oxhey is £2200 pcm (£507/week), at 80% the rent would be £1920pcm (£443/week). However, with rents capped at LHA the monthly rent would be £1295 (£299/week). This means the average 3 bed home would cost £625 less per month, representing 59% of the market rent. This rent includes all service charges that would normally be applied separately through a social rent. It is therefore not significantly greater than the ~50% rent that would be payable as Social Rent.

7.2.9 The applicant has submitted an Affordable Housing Statement and Addendum to set out their position in respect of the housing proposed. This confirms that the site has now been purchased by Watford Community Housing, and this is why the application now seeks 100% affordable housing rather than 45%. The statement notes that in *“providing 100% affordable housing on this site...we are trying to maximise the number of affordable rented and shared ownership homes to help meet the high level of housing need in the area...The removal of open market sale housing means that we lose the cross subsidy their sale would bring in order to fund a social rent tenure, however the benefit is that a further 29 homes will now be available for much needed shared ownership. The rented homes will remain and convert to an Affordable Rent tenure capped at Local Housing Allowance levels”*.

7.2.10 First Homes are a specific kind of discounted market sale housing which must be discounted by a minimum of 30% against the market value, sold to a person(s) meeting First Homes eligibility criteria, have a restricting to ensure the discount is passed on at each subsequent

transfer, and must have a first sale price no higher than £250,000. The Planning Practice Guidance on First Home sets out “The new First Homes policy requirement does not apply for the following: sites with full or outline planning permissions already in place or determined ... before 28 December 2021”. However, the PPG does also include: “Does the First Homes requirement apply to variations or amendments to existing planning permissions? The policy does not apply to applications made under section 73 of the Town and Country Planning Act 1990 to amend or vary an existing planning permission unless the amendment or variation in question relates to the proposed quantity or tenure mix of affordable housing for that development. (Paragraph: 022 Reference ID: 70-022-20210524)”. It is considered that there is some conflict between these paragraphs, with the first giving a clear cut-off date and the second being less clear in its wording.

- 7.2.11 It is acknowledged that the proposal would fail to provide any First Homes, and the applicant has acknowledged this matter. To support their application with the submitted tenure, the applicant has submitted further information in respect of the proposal.
- 7.2.12 The applicant has confirmed that the mix of tenures proposed is up to levels that their long-term viability assessment can maintain. The applicant relies on Homes England funding based on the assumptions in the application, which helps to offset the losses of building 100% affordable. This funding is already in place, meaning the applicant would be able to build and deliver the houses proposed under the current application. The applicant has also engaged with a home developer to ensure the development can commence, and pre-commencement conditions are in the process of being discharged.
- 7.2.13 The applicant has identified that the latest Annual Monitoring Report for TRDC states that 34 new affordable homes were completed between 1 April 2021 and 31 March 2022, with only 16.7% of total housing completions being affordable housing. These figures are not disputed. The applicant states that the guaranteed nature of the delivery of the houses subject of the current application (as noted above, by the appointment of a main contractor and work ongoing to discharge pre-commencement conditions), should be given significant weight in decision making, in particular in light of the housing delivery position.
- 7.2.14 The applicant has also committed to ensuring the homes respond to the needs of those on low incomes by having low running costs. All rented housing will have vinyl wood-effect flooring and black-out blinds, which means floor coverings and curtains do not have to be provided by tenants. In addition, houses will have photovoltaic panels for electricity generation which will lower electricity bills by using what is generated by the panels first. The installation of the solar panels and their maintenance and retention is recommended to be secured by a condition attached to the reserved matters application (23/0699/AOD) to ensure the development meets its energy efficiency targets. The provision of the floor and window coverings is proposed to be secured via the amended wording of Condition 4 as set out in the recommendation section below.
- 7.2.15 In respect of the shared ownership product, the applicant has recognised a demand in the area for first time buyers to get onto the housing ladder who are unable to access traditional mortgages. They also note that shared ownership homes split the share of risks with the housing provider, which means any fluctuations on mortgage rates are reduced.
- 7.2.16 In acknowledging the scheme not providing any First Homes, the applicant notes that providing that tenure would reduce the cost of a 2 bed-house with a market value of £475,000 to £250,000 to meet First Homes expectations, with an almost 50% loss of value which would impact funding mechanisms and the viability of the scheme.
- 7.2.17 Finally it should also be noted that outline planning permission exists for this development to be delivered with just 45% (24) affordable houses, and if the variation of condition 4 is not permitted, then it is expected delivery of the housing on the site would revert back to that level. In contrast the current application proposes to deliver 100% (53) affordable

houses, and this, in the context of the delivery of affordable homes in recent years in the District, is considered to be considerable and a substantial benefit of the scheme.

- 7.2.18 In respect of the unit sizes, the applicant has confirmed that the proposal provides 100% of the target shared ownership unit mix. Whilst it under-provides on one-bedroom rental units (by three units) it over-provides on two- and three-bedroom units.

	1 bed		2 bed		3 bed		4 bed		Total
Shared Ownership Requirement	1	21%	3	41%	2	28%	1	9%	7
Shared Ownership Provision	1		3		2		1		7
Affordable Rent Requirement	7	40%	5	27%	5	31%	0	2%	17
Affordable Rent Provision	4	24%	6	35%	7	41%	0		17
Additional Shared Ownership	3		19		6		1		29
TOTAL Proposed	8		28		15		2		53

- 7.2.19 As noted in the consultation section above, the council's Strategic Housing Manager supports the application, noting that it will provide 100% affordable housing. They note that the main requirement for those on the current housing register is for 2 bedroom 4 person units, and the application proposes a higher number of 2 bedroom units than other sizes.
- 7.2.20 It is recognised that the proposed change to condition 4 does change the type of affordable rental product from social rent to affordable rent, and that there is a difference in the amount of rent payable between the tenures. However, it is considered that capping the rent at LHA will ensure the rent will be affordable to eligible households, and it is acknowledged that this is a recognised affordable rental product. In addition, whilst the scheme fails to provide First Homes, a lack of clarity with that guidance is set out above and the proposal does provide 100% affordable housing and meets the NPPF requirement of at least 10% of housing to be affordable home ownership. Furthermore, whilst it is recognised that the development is not a match for the LHNA unit size targets the deviation from these are minimal.
- 7.2.21 Overall, given the number of houses provided, the additional 29 affordable houses over the previously approved (and legitimate fallback) scheme, the potential for fast deliverability of the development and the matters set out above it is considered that the proposed amendments to Condition 4 are acceptable.
- 7.2.22 As noted above, part of the reason for accepting the scheme relates to the imminent deliverability of the proposal, in the context of the district having a 1.9 year housing land supply and low delivery of housing. In order to ensure the delivery of this housing and to realise the suggested benefits, it is considered reasonable and necessary that the condition setting out the time limit for implementation be amended to give just one year for the development to commence, rather than the standard two years given for Reserved Matters applications following approval. The reworded condition 4 also includes a revised definition of Affordable Rent, to ensure this is capped at LHA.
- 7.2.23 The applicant has provided an Affordable Housing Statement to provide the information sought by the other clauses in Condition 4, however it is not considered that all points have been adequately dealt with and therefore this recommendation relates to changing the affordable housing provision from 45% to 100% with the applicant's proposed split, with the remaining details still to be submitted to the LPA pursuant to the condition.
- 7.2.24 In addition to the main change to Condition 4 detailed above, a further alteration is proposed to the mortgagee in possession clause contained within the condition. Three Rivers has an acknowledged acute need for affordable housing. Indeed this is relied upon by the applicants in support of this application. The NPPF (Annex) makes clear that the starting

position is that affordable housing should be provided in perpetuity (subject to certain enshrined rights). A mortgagee in possession (MIP) clause is a caveated exception to that policy requirement and sets out a mechanism which ensures that in the event of a default event by an Affordable Housing Provider, before the mortgagee can sell the affordable dwellings on the open market as private housing (free of the affordable housing obligations), the Council are given a reasonable and achievable period of time to find a new provider who wants to buy the affected affordable dwellings and for the purchase of the dwellings to be secured by that new provider, thus preserving the continuing future of the dwellings as affordable housing. That process, in the event of a default would be involved and would need to allow time for marketing, submission of bids, evaluation of bids, contract negotiations including due diligence and title investigations and completion of agreements.

- 7.2.25 If this application is granted, the number of affordable housing dwellings which will be secured by this scheme will more than double from 24 to 53. In light of this officers consider that the 4 month MIP period currently referred to in C4 would no longer suffice as a reasonable and achievable period to secure the transfer of the affordable dwellings to a new AHP in the event of a bank default and distressed sale. For this reason the period has been raised from 4 to 5 months.

7.3 Condition 5 – Specification of Access

- 7.3.1 Condition 5 attached to the outline planning permission is as follows:

The development shall not begin until detailed specification for the access arrangements have been submitted to and approved in writing by the Local Planning Authority. The details are to include the following:

- Full details of the proposed layout for the revised junction of Foxgrove Path and Heysham Drive identifying the introduction of dropped kerbs and tactile paving to provide a safe crossing point for pedestrians.

The development shall thereafter be implemented in accordance with the details as approved by this condition and completed before first occupation.

Reason: This is a pre commencement condition to encourage travel to and from the development by sustainable travel modes and to minimise danger, obstruction and inconvenience to users of the highway 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).

- 7.3.2 The applicant seeks to vary the first trigger point of this condition from 'the development shall not begin' to 'the relevant part of the development shall not begin'. This is to enable works on the wider side to commence prior to the full details of the revised layout to Foxgrove Path and Heysham Drive junction being submitted to the LPA for approval.
- 7.3.3 The condition requires the works to be completed before the development is first occupied and no change is sought to this trigger point. Officers consider that this is the most important part of the condition, as it gives a clear timescale for the access works to be completed by (ie they must be completed before the occupation of the development).
- 7.3.4 On this basis, it is considered reasonable to vary the first trigger point, as there is no need to restrict development taking place on site until details of the junction changes are approved. Officer do not agree with the applicant's suggested wording, because this is not considered to be precise. Given that the final trigger point requires the implementation and completion of the works, it is considered that the submission of these works prior to first occupation would be reasonable. As a result, it is proposed to change the wording of the condition to the following:

~~Prior to the first occupation of the development hereby permitted, shall not begin until~~ detailed specification for the access arrangements ~~shall have been~~ submitted to and approved in writing by the Local Planning Authority. The details are to include the following:

- Full details of the proposed layout for the revised junction of Foxgrove Path and Heysham Drive identifying the introduction of dropped kerbs and tactile paving to provide a safe crossing point for pedestrians.

The access arrangements development shall thereafter be implemented in accordance with the details as approved by this condition and completed in full before the first occupation of any part of the development hereby permitted.

Reason: ~~This is a pre commencement condition~~ to encourage travel to and from the development by sustainable travel modes and to minimise danger, obstruction and inconvenience to users of the highway 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).

7.4 Condition 7 – Bus stop and crossing works

7.4.1 Condition 7 attached to the outline planning permission is as follows:

Before development commences, additional plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, which show the detailed design and construction of:

- The proposed relocation of the bus stop on the south side of Prestwick Road close to the junction with Heysham Drive.
- The introduction of a kerbed build out and pedestrian crossing route immediately west of the junction of Prestwick Road and Heysham Drive.

These works shall be completed to the Highway Authority's satisfaction before first occupation.

Reason: This is a pre-commencement condition to ensure the development encourages sustainable transport and to enable disabled / more vulnerable users (e.g. wheelchair users) to safely and conveniently access the opposite bus stop along Prestwick Road in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

7.4.2 As with the condition above, the applicant seeks to vary the first trigger point of this condition from 'before development commences' to 'before the relevant part of the development commences'. This is to enable works on the wider side to commence prior to the full details of the relocation of the bus stop and introduction of kerbed build out and pedestrian crossing route being submitted to the LPA for approval.

7.4.3 As with above, the requirement for the works to be completed before the development is first occupied remains, and this is considered reasonable. On that basis, varying the condition is considered acceptable. The wording provided by the applicant is not considered precise and it is therefore proposed to amend condition 7 to:

Prior to the first occupation of the ~~Before development hereby permitted commences,~~ additional plans, drawn to an appropriate scale, must be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, which show the detailed design and construction of:

- The proposed relocation of the bus stop on the south side of Prestwick Road close to the junction with Heysham Drive.
- The introduction of a kerbed build out and pedestrian crossing route immediately west of the junction of Prestwick Road and Heysham Drive.

These works shall thereafter be completed in accordance with the approved details ~~to the Highway Authority's satisfaction~~ before the first occupation of the development hereby approved.

Reason: ~~This is a pre-commencement condition~~ to ensure the development encourages sustainable transport and to enable disabled / more vulnerable users (e.g. wheelchair users) to safely and conveniently access the opposite bus stop along Prestwick Road in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

7.5 Other Matters

- 7.5.1 An application submitted under S73 of the Town and Country Planning Act essentially grants a fresh planning permission for the development. As such, it is necessary to re-attach the same conditions to this permission as were attached to the original grant of outline planning permission. This has been done below, accounting for the changes considered acceptable within the appraisal above, and accounting for conditions where details have been submitted and approved and that condition discharged (condition 11).
- 7.5.2 The original application included a time limit condition requiring application for the approval of the reserved matters to be made before the expiration of three years from the date of the outline permission. The reserved matters application has been submitted and is being considered under application 23/0699/AOD. That part of the previous time limit condition therefore falls away but the element relating to implementation remains.
- 7.5.3 Similarly, the reserved matters application 23/0699/AOD falls to be considered at the same committee meeting as this application. Should it be approved in accordance with the recommendation, condition 1 attached to this recommendation is proposed to be amended to require works to be implemented in accordance with that permission. Should the reserved matters application not be approved, Officer's will table an amendment to condition 1, reverting it back to its original wording.
- 7.5.4 As noted above, the ability of the applicant to deliver 100% affordable housing, commencing development in a relatively short time frame, is one matter to which a high level of weight is attributed. To ensure this takes place, Condition 2 below is proposed to be amended to require the development to commence within one year of the date of the approval of the last of the reserved matters.
- 7.5.5 The original outline planning permission included condition 13 requiring details of a scheme to deal with any risks associated with contamination of the site to be submitted. Details have been submitted and approved pursuant to the condition, and it was identified that no contamination is present. Therefore, that condition has been deleted. There remains a condition (19) in respect of dealing with any unexpected contamination.

8 **Recommendation**

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

C1 The development hereby permitted shall be carried out in accordance with the reserved matters details approved under reference 23/0699/AOD.

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 be begun before the expiration of one year from the date of approval of the last of the reserved matters to be approved.

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

- C3 The access arrangements hereby permitted shall be carried out in accordance with the following approved plans: 41394-Lea05, 41394-WOOD-XX-XX-FG-T-0002_S0_P02.1 and 41394-WOOD-XX-XX-FG-T-0003_S0_P01.1. The plans are approved only in so far as they relate to the siting of the access.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policies CA1, HO1, HO2, HO3 and RE2 of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018) and Policy SA1 of the Site Allocations LDD (adopted November 2014).

- C4 No development shall take place above ground floor slab level until a scheme for the provision of Affordable Housing to be constructed on the site pursuant to the planning permission has been submitted to and approved in writing by the Local Planning Authority. The Affordable Housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the numbers, type, unit size, tenure and location of the Affordable Housing to be constructed on the site which shall consist of 100% of the total number of the Dwellings permitted, of which 32% shall be constructed and Provided as Affordable Rented Dwellings and 68% shall be constructed and Provided as Shared Ownership Dwellings;
- ii. the internal specification of the Affordable Housing (including proposed flooring and window treatments for each room)
- iii. the arrangements for the transfer of the Affordable Housing to an Affordable Housing Provider or the arrangements for the management of the Affordable Housing if those dwellings are not to be transferred to a Affordable Housing Provider;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the Affordable Housing;
- v. the occupancy criteria to be used for determining the identity of occupiers of the Affordable Housing and the means by which such occupancy criteria shall be enforced;
- vi. the timing of the completion of a Nominations Agreement to be entered into formalising the details to be agreed in respect of paragraphs (iv) and (v) above (in any event that Nominations Agreement to be completed prior to first Occupation of the Affordable Housing);
- vii. the arrangements for the use of any Net Proceeds following the sale of an interest in any of the Affordable Housing (in accordance where applicable with Homes and Communities Agency guidance)

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

- (A) any rights to acquire pursuant to the Housing Act 1996 or any equivalent statutory provision for the time being in force;
- (B) any right to buy pursuant to the Housing Act 1985 or any equivalent statutory provision for the time being in force;
- (C) where a tenant of a Shared Ownership Dwelling granted a Shared Ownership Lease has purchased the remaining shares so that the tenant owns the entire Shared Ownership Dwelling).
- (D) the restriction upon the use and disposal of the Affordable Housing shall cease to apply to the whole or any part of an Affordable Dwelling (hereafter referred to as the 'Affected Affordable Dwelling') where that whole or part is transferred or leased, pursuant to an event of default by any mortgagee or chargee of the Affordable

Housing Provider or the successors in title to such mortgagee or chargee, or by any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 (hereafter referred to as the "Chargee"), PROVIDED THAT:

(i) the Chargee has first given the Council and the Affordable Housing Provider (as appropriate) 5 (five) months prior notice in writing (the "Chargee's Notice") of its intention to exercise any power of sale or lease in respect of any Affected Affordable Dwelling; and

(ii) the Chargee has first given the Council or the Affordable Housing Provider the opportunity to complete a transfer of the Affected Affordable Dwelling in order to ensure that it continues to be used for the purposes of Affordable Housing. The Chargee's Notice shall not be a valid Chargee's Notice unless it is accompanied by a conveyancer's certificate signed and dated by the conveyancer and confirming that, at the date of the notice, the Chargee giving the notice is entitled to execute a transfer of the freehold of the Affected Affordable Dwelling and all land required to gain access to the Affected Affordable Dwelling from the public highway; and

(iii) the price for the purchase of the Affected Affordable Dwelling by the Council or the Affordable Housing Provider demanded by the Chargee shall not be permitted to exceed the market value of the Affected Affordable Dwelling at the date of the transfer on the valuation assumption that it is to be retained in perpetuity as Affordable Housing.

(iv) If the Council or the Affordable Housing Provider is unable to secure the transfer of the Affected Affordable Dwelling under the terms and in the circumstances described above within the said period of 5 (five) months in accordance with subparagraph (i) above then the Chargee shall be entitled to dispose of the Affected Affordable Dwelling on the open market not subject to the condition above that it shall not be used for any other purpose than as Affordable Housing.

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

C5 Prior to the first occupation of the development hereby permitted, detailed specification for the access arrangements shall be submitted to and approved in writing by the Local Planning Authority. The details are to include the following:

o Full details of the proposed layout for the revised junction of Foxgrove Path and Heysham Drive identifying the introduction of dropped kerbs and tactile paving to provide a safe crossing point for pedestrians.

The access arrangements shall thereafter be implemented in accordance with the details as approved by this condition and completed in full before the first occupation of any part of the development hereby permitted.

Reason: To encourage travel to and from the development by sustainable travel modes and to minimise danger, obstruction and inconvenience to users of the highway by ensuring suitable means of access is in place, 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).

C6 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include full details of:

- the phasing of construction and proposed construction programme.
- the methods for accessing the site, including wider construction vehicle routing.
- the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- the hours of operation and construction vehicle movements.

- details of any highway works necessary to enable construction to take place.
- details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- details of any hoardings.
- details of how the safety of existing public highway users and existing public right of way users will be maintained.
- management of traffic to reduce congestion.
- control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels, and how it will be ensured dirty surface water does not runoff and discharge onto the highway.
- the provision for addressing any abnormal wear and tear to the highway.
- the details of consultation with local businesses or neighbours.
- the details of any other Construction Sites in the local area.
- waste management proposals.
- signage

The approved details shall be adhered to throughout the construction period.

Reason: This is a pre commencement condition in order to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policies DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C7 Prior to the first occupation of the development hereby permitted, additional plans, drawn to an appropriate scale, must be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, which show the detailed design and construction of:
- The proposed relocation of the bus stop on the south side of Prestwick Road close to the junction with Heysham Drive.
 - The introduction of a kerbed build out and pedestrian crossing route immediately west of the junction of Prestwick Road and Heysham Drive.

These works shall thereafter be completed in accordance with the approved details before the first occupation of the development hereby approved.

Reason: To ensure the development encourages sustainable transport and to enable disabled / more vulnerable users (e.g. wheelchair users) to safely and conveniently access the opposite bus stop along Prestwick Road in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C8 Before the first occupation of any dwelling, both bus stops by the Prestwick Road / Heysham Drive junction, as shown on drawing 41394-WOOD-XX-XX-DR-OT-0001_S3_P01 (or in an alternative location as otherwise approved pursuant to Condition 7) shall have raised Kassel kerbing implemented.

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

- C9 Before the first occupation of any dwelling, pedestrian dropped kerbs and tactile paving shall be installed along Heysham Drive at the junctions of Ashford Green, Letchworth Close, and Bramley Gardens.

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

C10 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following.

- A) Risk assessment of potentially damaging construction activities.
- B) Identification of "biodiversity protection zones".
- C) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- D) The location and timings of sensitive works to avoid harm to biodiversity features.
- E) The times during which construction when specialist ecologists need to be present on site to oversee works.
- F) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- G) Responsible persons and lines of communication.
- H) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: This is a pre commencement condition in the interests of safeguarding protected species 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).

C11 The biodiversity enhancements and management shall be undertaken in full accordance with the details approved in the local planning authority's decision letter dated 25 September 2023 relating to Discharge of Conditions application reference 23/1375/DIS and accompanying documents.

Reason: In the interests of safeguarding protected species 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).

C12 Prior to the commencement of development, including any demolition, a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

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

C13 No development approved by this planning permission shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to, and approved in writing, by the local planning authority. The surface water drainage system will be based on

the Addendum to the submitted Outline Drainage Strategy and Flood Risk Assessment carried out by Wood Environmental & Infrastructure Solutions Ltd reference 41394- WOOD-XX-XX-TN-OW-0001_S0_P01 dated December 2019, and all supporting information. The surface water drainage scheme should include:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 3.9 l/s during the 1 in 100 year event plus 40% of climate change event.
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change for the entire site and not only considering the impermeable areas.
3. Implementing the appropriate drainage strategy based on attenuation and discharge into Thames Water surface water sewer network using appropriate above ground SuDS measures and indicated in the Outline Drainage Strategy and Flood Risk Assessment Addendum and shown on the Illustrative Masterplan (ref: Lea02 Rev B).
4. Updated drainage layout plan showing all proposed SuDS features and pipe networks and detailed engineered drawings of the proposed SuDS features and discharge control devices including their, location, size, volume, depth and any inlet and outlet features.
5. Updated surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event to include all proposed SuDS features that will provide attenuation for all site area. Calculations should take account of the entire site area not just impermeable areas.
6. Provision of half drain down times to ensure that the proposed attenuation features can accommodate as a minimum a 1 in 30 year storm within 24 hours of a 1 in 100 plus 40% climate change event.
7. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: This pre-commencement condition is required to ensure that sufficient capacity is made available to cope with the new development to prevent flooding, to prevent flooding by ensuring the satisfactory disposal and storage of surface water, and to reduce the risk of flooding to the proposed development and future occupiers in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013). It is required to be pre-commencement to ensure that the detailed design of the drainage is approved before any works commence.

- C14 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained 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: This condition is a pre commencement condition 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).

- C15 Prior to the commencement of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected along the boundaries with Nos 12-15 Foxgrove Path, Nos. 69-81 Heysham Drive and Nos. 2-4 Ashford Path shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall thereafter be erected prior to commencement of any site works and retained as such thereafter.

Reason: This is a pre-commencement condition to ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C16 Prior to the commencement of any works on site, full details of the proposed six replacement car parking spaces, including their surfacing, a timetable for their construction relative to the highways works to Foxgrove Path and the development as a whole, and management details including arrangements for the use of the area/parking and how these spaces will be reserved and made available for use by the general public in perpetuity, including details of appropriate signage and maintenance. The parking area shall be provided in accordance with the timetable as approved by this condition, and remain unrestricted and available for public use and no physical barrier or obstruction shall at any time be installed to prevent their unrestricted use.

Reason: This is a pre-commencement condition required to ensure that the replacement car parking to compensate for displaced car parking spaces along Foxgrove Path is provided and maintained as unrestricted public car parking in perpetuity, in accordance with the requirements of 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).

- C17 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

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

- C18 Should they be required, detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the

Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

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

- C19 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13.

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.

- C20 The development permitted by this planning permission shall be carried out in accordance with the approved Addendum to the submitted Outline Drainage Strategy and Flood Risk Assessment carried out by Wood Environmental & Infrastructure Solutions Ltd reference 41394-WOOD-XX-XX-TN-OW-0001_S0_P01 dated December 2019, and the following mitigation measures detailed within the addendum.

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 3.9 l/s during the 1 in 100 year event plus 40% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a total storage volume in an attenuation pond.
3. Inclusion of appropriate SuDS management and treatment features which may include permeable paving and filter drains.
4. Discharge of surface water from the site into the Thames Water surface water sewer located in Heysham Drive via the proposed attenuation pond.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: This is required to ensure that sufficient capacity is made available to cope with the new development to prevent flooding, to prevent flooding by ensuring the satisfactory disposal and storage of surface water, and to reduce the risk of flooding to the proposed development and future occupiers in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C21 Upon completion of the drainage works for each site in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

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

Reason: This is required to prevent flooding by ensuring the satisfactory disposal and storage of surface water in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C22 The approved Travel Plan (reference 1394-WOOD-XX-XX-RP-OT-0002_A_P02) shall be implemented at all times following first occupation and its requirements adhered to in full.

Reason: To ensure that sustainable travel options associated with the development are promoted in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives:

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 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 applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is 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 highway 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 <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
- 15 The following terms (and those related to them) referred to at Condition C4 shall be defined as set out below:

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

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

Affordable Rented Dwellings means Affordable Housing owned and managed by an Affordable Housing Provider available for rent at a level not exceeding the South West Hertfordshire Local Housing Allowance (including any Reasonable Service Charge).

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

Dwelling means a residential unit comprised in the development.

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

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

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

Nominations Agreement means a contract to be entered into between the Council and the owner of the Affordable Housing whereby the Council shall have 100% nomination rights in respect of the Affordable Housing on first Occupation and 75% thereafter on re-lets to enable the Council to nominate occupiers. It shall also secure the prioritisation of Shared Ownership Dwellings to persons who are TRDC residents (have resided in the District for 5 years) or who have a local connection.

Open Market Value means the value confirmed by a certificate (from a professionally qualified valuer and produced in accordance, where applicable, with the Homes and Communities Agency Capital Funding Guide or successor requirements) that the

relevant interest in the dwelling would fetch if sold on the open market by a willing vendor to a willing purchaser.

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

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

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

Shared Ownership Dwellings means Affordable Housing owned and managed by an Affordable Housing Provider on Shared Ownership Terms.

Shared Ownership Terms means that the relevant Affordable Housing Unit is let:

- (a) in accordance with 'shared ownership arrangements' within the meaning of section 70(4) of the Housing and Regeneration Act 2008; and
- (b) on a lease in the form of the Homes England standard lease on terms where:
 - (i) the percentage of the value of the relevant Affordable Housing Unit paid as a premium on the day on which a lease is granted under the shared ownership arrangement does not exceed seventy-five percent (75%) of the Market Value;
 - (ii) on the day on which a lease is granted under the shared ownership arrangements, the annual rent payable is not more than three percent (3%) of the value of the unsold interest; and
 - (iii) in any given year the annual rent payable does not increase by more than the percentage increase in the CPI for the year to September immediately preceding the anniversary of the day on which the lease was granted plus one percent (1%);
- (c) on terms pursuant to which the tenant pays no more than a Reasonable Service Charge (where applicable);

- 16 The applicant is reminded that the removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than three days in advance of vegetation clearance and if active nests are found, works should stop until the birds have left the nest.
- 17 The applicant is reminded that any external lighting should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost/nesting sites.

- 18 The applicant is advised to keep any areas of vegetation as short as possible up to, and including, the time when the works take place so that it remains / becomes unsuitable for reptiles or amphibians (including Great Crested Newts) to cross. Clearance of existing vegetation should be undertaken progressively towards boundaries to allow any animals present to escape to contiguous areas of retained habitat. Stored building materials that might act as temporary resting places are raised off the ground, e.g. on pallets or batons, away from hedgerows on site. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on. Any excavations are backfilled before nightfall or a ramp left to allow trapped animals to escape easily - this is particularly important if holes fill with water. If a reptile or amphibian (with exception of a Great crested newt) is found, then it should be moved carefully out of harm's way. In the unlikely event that a Great crested newt is encountered during works, works must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.
- 19 The applicant is reminded that during the course of any development works at this site the existing Public Rights of Way should be protected to a minimum width of two metres, and the current surface maintained. In addition, the Public Right of Way must remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route must not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) to be made good by the applicant to the satisfaction of the Highway Authority. If the above cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. Further information and guidance should be sought from the Rights of Way officer (row@hertfordshire.gov.uk) before any works take place.
- 110 The applicant is advised that any future submission in respect of the Landscaping Reserved Matter should, in connection with Condition 6 (Biodiversity Enhancement and Management Plan), make adequate provision for the existing boundary hedgerows to be gapped up with appropriate species.
- 111 The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
- 112 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 website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.
- 113 It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information

is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

- I14 The applicant is advised that all new highway associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.