

## PLANNING COMMITTEE – 12 September 2024

### PRELIMINARY REPORT

24/0476/OUT: Outline Application: Comprehensive development of the Site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access) at Land East Of Green Street And North Of Orchard Drive Chorleywood

Parish: Chorleywood  
Expiry of Statutory Period: 16 July 2024  
Extension agreed to: 31 October 2024

Ward: Chorleywood North and Sarratt  
Case Officer: Adam Ralton

#### **Recommendation:**

- (1) That Members agree for officers to arrange a site visit prior to this application being presented to Planning Committee for a decision.
- (2) That the Committee notes the report, and is invited to make general comments with regard to the material planning issues raised by the application.

**NOTE: A decision will NOT be made on this application at this time. The application will be returned to a future committee meeting for determination.**

**Reason for consideration by the Committee:** The application has been called in to committee by three Members of the Planning Committee unless Officers are minded to refuse, to discuss the impact on the Green Belt, AONB and Highways, and by Chorleywood Parish Council regardless of the recommendation. In addition the proposal represents a departure from the Development Plan.

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=SAWJUVQFJ7K00>

### **1 Relevant Planning History**

- 1.1 20/0002/EIAS: Environmental Impact Assessment Scoping Opinion Request - Development of up to 800 No. Residential Dwellings, associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems.
- 1.2 20/0882/OUT: Outline Application: Demolition of the existing farm building and comprehensive development of the site, delivering up to 800 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access). **Refused** in March 2023. Appeal lodged but subsequently withdrawn.
- 1.3 20/0898/OUT: Outline Application: Demolition of the existing farm building and comprehensive development of the site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access). **Refused** in March 2023. Appeal lodged but subsequently withdrawn.
- 1.4 24/0538/OUT: Outline Application: Demolition of the existing farm building and comprehensive development of the Site, delivering up to 675 no. residential dwellings (Use Class C3), a new two-form entry primary school, associated access, and supporting amenity

space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access). **Under consideration.**

- 1.5 The following application has been submitted to Buckinghamshire Council for its consideration. The site falls outside of Three Rivers District, but is considered relevant to the current application given the proximity of the site, the ownership of the site, and the references to this adjacent site within the supporting documents forming part of the current application:

PL/20/0429/FA: Amendments to extant planning permissions CH/2010/0133/VRC and CH/2003/1758/FA as allowed on appeal, Inspectorate's reference APP/X0415/A/03/1133807 and CH/2017/2292/FA to allow for the recontouring of part of the original application site to include a golf driving range/practice area and green plateau for use as football playing pitches, including one full size football pitch with eight 15m high flood lighting columns. Erection of a temporary clubhouse to serve football club for a period of 5 years (pending implementation of the main clubhouse) and associated access, landscaping and parking. Application registered 10 March 2020. Pending consideration.

## **2 Description of Application Site**

- 2.1 The application site is part of an undeveloped greenfield site to the north of Chorleywood. It has an area of approximately 9.6ha and is currently used as grazing land. The wider parcel of land contains a barn in the north eastern corner. The site generally slopes downward toward the south-east and includes a localised dry valley within the centre of its slope.
- 2.2 The west, south and eastern boundaries of the site are marked by vegetation (including a mixture of trees and hedgerows). The northern boundary of the site is not marked out on site, and takes a route through the existing open agricultural field. The northern boundary of the wider land parcel is marked by the low fencing which encloses a private footpath. The site is clearly visible from the private footpath, and in glimpsed views through the vegetation alongside Green Street and the public footpath to the rear of Orchard Drive. The site is also visible from houses fronting Darvells Yard and Woodlands Lane, and in longer range views from Chorleywood Common.
- 2.3 The land to the north of the wider parcel of land is open grassland, with a flatter topography than the application site. Public footpath Chorleywood 011 runs around the St Clement Danes school site, touching the wider parcel's north eastern corner. The western boundary of the application site is alongside Green Street. Green Street links Chorleywood to the south with the A404 to the north. The southern boundary of the site is adjacent to public footpath Chorleywood 014, with the gardens to houses fronting Orchard Drive beyond this. Chorleywood 014 runs east to west at the rear of properties on the northern side of Orchard Drive and Orchard Close, and adjoins Chorleywood 32a which leads to Common Road. The eastern boundary of the site is alongside the boundaries of the rear gardens of dwellinghouses at Darvells Yard, Woodlands Lane and Chenies Road (A404).
- 2.4 The development site would be accessed via Green Street, which links the A404 to the north with the junctions of Station Approach and Shire Lane in Chorleywood to the south. Green Street in the immediate area of the application site has the characteristic of a rural lane, with the northern part of the road containing a limited number of buildings set back from the road including three clusters of converted agricultural buildings. Beyond these clusters of houses, there is open land to either side of Green Street with the application site to the east and open land forming the Chiltern Hills Golf Course to the west. The street is generally lined by trees or hedgerows until the junction with Orchard Drive, after which Green Street has the appearance of a suburban residential street, with detached and semi-detached two storey dwellinghouses on either side of the street, wide grass verges and footway on either side of the carriageway. This character remains as Green Street continues

to drop down to the junction with Station Approach and Shire Lane beyond which is the main Key Centre of Chorleywood.

- 2.5 Both Orchard Drive and Orchard Close are residential roads, characterised primarily by two storey detached houses and bungalows. Orchard Drive slopes down toward the south away from Green Street.
- 2.6 Woodland Lane to the east of the site is a Private Road which provides access to a number of substantial detached dwellinghouses, set in large plots. Many directly face and have views over the application site. Darvells Yard is located to the south of Woodland Lane, accessed via Common Road, and comprises a series of dwellings built on a site that was formerly a complex of industrial units. Common Road also features large detached houses set in substantial grounds. These three areas have a distinctly rural feel, which changes slightly further south beyond Darvells Yard where the built form becomes detached dwellings set closer to each other, in more modest plots, followed by rows of terraced dwellings fronting The Common.
- 2.7 The Chorleywood Common Conservation Area is adjacent to the south-eastern part of the application site. The Common was designated a Conservation Area in 1976, with a boundary amendment in 1991. The Conservation Area is of both historic and architectural interest. The application site adjoins Character Zone D of the conservation area and is visible from Zone E (the Common).
- 2.8 Chenies Road/the A404 has a character distinctly different to the remainder of the roads surrounding the site, as it is a busier east-west route which links Amersham in the west with Green Street, and beyond that Junction 18 of the M25 and Rickmansworth. The road is fronted by houses, which are generally detached, set back from the highway and set in spacious plots.
- 2.9 The application site is located north of the Chorleywood Key Centre (approximately 10 minute walk/0.5 mile distance, downhill from the site and accessed via lit pavements) and is a similar distance to Lower Road and the lower part of Whitelands Avenue (the main shopping area) and to Chorleywood Railway Station.
- 2.10 In relation to planning related constraints, the application site is located within the Chilterns National Landscape (formerly Area of Outstanding Natural Beauty) and the Chilterns Landscape Area (as identified in the local plan via the County Council's Landscape Character Assessment), and the Metropolitan Green Belt. The site is located to the east side of Green Street, and land to the west side of Green Street is located within the administrative area of Buckinghamshire Council. A parcel of land to the immediate south east of the south eastern corner of the site is designated as a Local Wildlife Site. The south eastern corner of the site is also directly adjacent to the Chorleywood Common Conservation Area boundary.

### **3 Description of Proposed Development**

- 3.1 This application seeks outline planning permission for the comprehensive development of the site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems.
- 3.2 This application has been submitted in Outline with the matter of Access submitted for approval, and matters of Appearance, Landscaping, Layout and Scale reserved for later consideration. Access is defined in the Development Management Procedure Order as meaning 'the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network'.

- 3.3 The detailed application drawings (in particular drawing SK24C) show the position of the proposed point of vehicular access to the site. This would be approximately 120m north of the junction of Orchard Drive and Green Street and would provide vehicular and pedestrian access into the site. There would also be a shared footway/cycleway into the site toward the north, approximately 115m south of the existing private footpath to St Clement Danes School. The detailed plans (Drawing SK41 within the Transport Assessment) show this would be 3.5m wide, with access restricted using 4x lockable bollards. There would also be points of access to/from the site from the public footpath (Chorleywood 014) to the south-east corner of the site.
- 3.4 The submitted illustrative masterplan and the land use and access parameter plan (GSE300-PA-06-01) set out the provision of roads and walking/cycling routes within the site, including one circulatory road looping through the site, with footways adjacent to the carriageways. The illustrative masterplan also provides details of the potential position of an area of open space from the centre of the site to the south-east, which would include soft landscaping and drainage features.
- 3.5 This application is accompanied by an Environmental Impact Assessment. National Planning Practice Guidance explains that “the aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process”. The regulations set out the procedure for assessing, consulting and coming to a decision on those projects likely to have significant environmental effects. The guidance also confirms that “the Environmental Statement, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority... in deciding whether or not to grant consent for the development”.
- 3.6 The application is supported by the following documents which have been considered as part of this assessment:
- Environmental Statement
    - Volume 1 (dated March 2024) comprising main text with chapters covering the Introduction, Site and Designations, Proposed Development, Consultation and Alternatives, EIA Approach, Socio Economics, Air Quality, Traffic and Transport, Cultural Heritage, Ecology, Water Environment, Noise and Vibration, Landscape and Visual, Human Health, Climate Change and Assessment Mitigation and Implementation Summary.
    - Volume 2 - technical appendices.
    - Volume 3 - non-technical summary.
  - Covering Letter (dated 25 March 2024)
  - Design and Access Statement (Savills/Farrells, 20 March 2024)
  - Biodiversity Checklist (signed 15 March 2024)
  - Ground Investigation (Paddock Geo Engineering P23-356pra, March 2024)
  - Preliminary Contamination Risk Assessment (Paddock Geo Engineering P23-356pra\_6.5, March 2024)
  - Statement of Community Involvement (SP Broadway, March 2024)
  - Town Planning Statement including Affordable Housing Statement (Savills, March 2024)
  - Transport Assessment (Origin, Report ORI-J-10578, V1, March 2024)
  - Chorleywood Housing Market Assessment (Savills, March 2024)
  - Landscape Framework Plan (Drawing 0886.1.1, March 2024)
  - Proposed building height parameter plan (Farrells, 23 January 2024)
  - Green Infrastructure Framework parameter plan (Farrells, 23 January 2024)
  - Land Use and Access parameter plan (Farrells, 23 January 2024)
  - Access and Extended Footway Plan (Origin, SK24 Rev C)

- Illustrative Masterplan (undated/un-numbered drawing)
- BNG Metric

3.7 As set out in the history section of this report, this application has been submitted following the refusal of two planning applications for residential development in March 2023. This current application is comparable to planning application 20/0898/OUT (which sought outline planning permission for up to 300 houses), and the main differences between that application and the current are summarised as follows:

- The illustrative layout has been revised, changing the illustrative configuration of roads and blocks of buildings within the site, as well as changing the position and areas of the central amenity space and drainage.
- Supporting documents have been updated where necessary because of the changes to the illustrative site layout, changes to legislation or due to the passage of time since their original production. These include amendments to the landscape strategy and to the drainage and biodiversity strategy.

3.8 Furthermore, a second application has been submitted for a development of up to 675 houses. Both that application and this current application fall to be determined on their own individual merits.

## 4 Consultation

### 4.1 Summary of Consultation Responses:

Active Travel England	9.1.1	Insufficient information
Affinity Water	9.1.2	Comment received
Buckinghamshire Council	9.1.3	No response received
Chilterns Conservation Board	9.1.4	Object
Chorleywood Parish Council	9.1.5	Object
Chorleywood Residents Association	9.1.6	Comment received
Environment Agency	9.1.7	No comment
Hertfordshire County Council – Archaeology	9.1.8	Insufficient information
Hertfordshire County Council – Fire and Rescue	9.1.9	No response received
Hertfordshire County Council – Highway Authority	9.1.10	<i>Awaited</i>
Hertfordshire County Council – Lead Local Flood Authority	9.1.11	<i>Awaited</i>
Hertfordshire County Council – Minerals and Waste	9.1.12	No objection
Hertfordshire County Council – Growth and Infrastructure	9.1.13	Comment received
Hertfordshire County Council – Public Health	9.1.14	Comment received
Hertfordshire County Council – Water Officer	9.1.15	Comment received
Hertfordshire Constabulary	9.1.16	Comment received
Herts and Middlesex Wildlife Trust	9.1.17	No response received
Herts Ecology	9.1.18	No objection
National Highways	9.1.19	No objection
Historic England	9.1.20	Concerns
National Grid	9.1.21	No response received
Natural England	9.1.22	Object
NHS Herts and West Sussex ICB	9.1.23	Comment received
Three Rivers District Council - Conservation Officer	9.1.24	Harm identified
Three Rivers District Council - Environmental Health	9.1.25	No objection
Three Rivers District Council - Landscape Officer	9.1.26	Comment received

Three Rivers District Council - Landscape Consultant	9.1.27	Comments received
Three Rivers District Council - Leisure Development Team	9.1.28	No response received
Three Rivers District Council - Local Plans Team	9.1.29	Comment received
Three Rivers District Council - Housing Team	9.1.30	Comment received
Thames Water	9.1.31	No objection
Transport For London	9.1.32	No objection

4.1.1 All consultation responses are provided at Appendix 1 at the end of this report.

## 4.2 Public/Neighbour Consultation Responses

4.2.1 The Development Management Procedure Order (2015, as amended) requires applications accompanied by an Environmental Impact Assessment to be publicised by site notice and notice in the local newspaper. Site notices have been displayed in various locations around the site, including at the existing entrance to the site serving the agricultural building and the footpath to St Clement Danes School, on posts at either end of the public footpath to the south of the site (Chorleywood 014), at the junction of Green Street/Shire Lane/Station Approach and at the eastern entrance to footpath Chorleywood 011 adjacent to the A404. Notices have also been published in the Watford Observer. In addition to this statutory requirement, the LPA has written to 408 neighbouring properties considered closest to the site or with the most apparent views of the site.

4.2.2 Approximately 598 responses have been received, comprising 595 objections, 2 representations and 1 letter of support.

4.2.3 Site Notice: Displayed 11 April 2024 (expired 12 May 2024).

4.2.4 Press Notice: Published 12 April 2024 (expired 13 May 2024).

4.2.5 Summary of letters of support:

- There is a massive housing shortage, this is in a sustainable location.
- Very low housing delivery in the area, most definitely lower than 1.9 years.
- No sign of a local plan.

4.2.6 Summary of Representations:

- This development is suitable for the inclusion of swift bricks within the walls which provide nest cavities for a number of birds.
- The proposed 20 bird boxes are wholly insufficient for a development of this size.

4.2.7 Summary of Objections:

### IMPACT ON GREEN BELT

- Development is inappropriate in the area and the village, runs against NPPF and TRDC policies.
- There are no very exceptional circumstances for this proposal.
- Need to protect Green Belt land.

### IMPACT ON LANDSCAPE

- Obliteration of AONB.
- Views destroyed.
- Impacts the special character and distinctiveness of the AONB.

### IMPACT ON HERITAGE

- Proposal would be visible from conservation area and will be a blight on the green nature of the area.

### IMPACT ON HIGHWAYS

- Traffic is already a major issue in the area.
- More traffic will use back lanes.
- Green Street will be dangerous for school children to navigate.
- Impact on Heronsgate Road and Shire Lane has been ignored.
- All users would be forced onto single track roads to reach M25 and other routes, and exits from Chorleywood will become bottlenecks.
- No consideration of refuse collections.
- Traffic assessment doesn't consider the true peak times.
- Traffic assessment doesn't account for the narrow bridge under the railway or narrow pavement.
- No assessment of impacts on traffic and safety at railway station.
- Public footpaths unsuitable for more intensive use.
- Little regard has been given to the ability of the Green St/Station Approach junction to accommodate additional pedestrian, cycle and vehicle traffic generated as part of the proposals. The junction is substandard and cannot accommodate larger vehicles.

### IMPACT ON INFRASTRUCTURE

- Chorleywood suffers from flooding, bad road surface, power cuts, there is no infrastructure to support an increase in population.
- The development will attract families to the local schools, causing others to drive out of the village.
- Primary schools are already oversubscribed.
- Who will pay to build and run the new school.
- Density at 31 dwellings per hectare is twice the density of Chorleywood.
- Local GP services are already stretched.
- There could be a water shortage.
- Insufficient tube capacity.

### IMPACT ON ENVIRONMENT

- Loss of Green Belt and conservation area, destroy natural beauty and views to countryside, destroy habitat of many animals.
- Risk of sink holes.
- Will have direct impact on flora and fauna. No consideration given to skylark, or impacts of light and noise pollution.
- Will harm bats and newts.
- Proposal will increase air pollution.
- Would result in a net loss of biodiversity.

### OTHER

- The harm the scheme would inflict would far outweigh any benefits.
- Scale and density out of keeping with the village.
- Concern about increase in crime and antisocial behaviour.
- Increased parking pressures in the village and at the station.
- Will turn Chorleywood into an urban environment.
- Should only be approved as part of a wider plan that takes account of other development projects, transport infrastructure and amenities.
- Unrealistic to expect people to walk with shopping bags from the local shops to the site.
- Very similar to previous schemes which were rejected.
- Not in the best interests of the village's sustainability.
- Unclear if affordable housing would actually be affordable.
- The applicant argues the need for housing, this should be determined through the preparation of a local plan, not by ad hoc planning applications.

4.2.8 Responses were also received from the following local organisations/groups (responses generally summarised):

#### 4.2.8.1 Campaign to Protect Rural England Hertfordshire

I write with regard to the above applications to which CPRE Hertfordshire objects strongly for the reasons noted below. This follows a previous consultation response to applications 20/0898/OUT and 20/0882/OUT, which were for the same linked sites, submitted by CPRE Hertfordshire on 3rd July 2020.

The present applications are effectively a re-submission of the previous proposals which were refused planning permission on 28th March 2023 and reference may be made to our previous comprehensive submission as noted above. The Planning Statements for each application are effectively identical, as they were in 2020, varying only in this submission in the slightly reduced number of units and the proposed provision of a two-form entry primary school in application no. 24/0538/OUT.

CPRE Hertfordshire believes that there has been no effective change in conditions or the circumstances affecting the sites. We remain firmly opposed to the present applications, support fully the Council's previous decisions with regard to these very similar proposals and re-iterate our concerns as follows.

1. CPRE Hertfordshire objects to these applications for inappropriate development in the Green Belt and the Chilterns National Landscape (formerly AONB), contrary to the policies of the National Planning Policy Framework (NPPF), the current Three Rivers Development Plan and the Chilterns AONB Management Plan.

2. The sites are currently open farmland on the eastern side of Green Street, outside the Chorleywood settlement boundary and not included in either the adopted Three Rivers Site Allocation Local Development Document, nor the emerging Three Rivers Local Plan. The sites lie entirely within the Green Belt and the Chilterns National Landscape (formerly AONB) where, under the provisions of the NPPF and the Three Rivers Development Plan, the applicant has to demonstrate very special circumstances sufficient to clearly outweigh the harm to the Green Belt caused by inappropriate development.

3. In these cases, there is the additional harm caused to the Chilterns National Landscape whose significant is such that there continues to be consideration of its designation as a National Park and further extension in area. We noted previously the findings of the Final Report of the Landscapes Review of National Parks and AONBs commissioned by the Government and published in September 2019, with regard to the then Chilterns AONB: "In the south east of England, in particular, the pressure of development is immense and may only get greater. Some national landscapes, the Chilterns for instance, risk changing very fast as a result and mostly not for the better. We shouldn't just accept this as sadly unavoidable."

4. The Final Report continues to state: "The 'exceptional circumstances' provision in the National Planning Policy Framework, which was intended to limit development in national landscapes, is being used to argue for major development instead, on the grounds that no other sites outside AONBs are available. We believe strongly that this is in contravention of the purpose of designation."(pages 102 and 107). CPRE Hertfordshire believes that the circumstances affecting the Chilterns National Landscape have become even more relevant in the last five years due to the continuing development affecting open countryside throughout the County.

5. The documentation accompanying both applications is, as previously, extensive but the essential decision remains with the planning balance as indicated in the NPPF paragraph 11(d) (Presumption in favour of sustainable development) and footnote 7, and Sections 13 (Protecting Green Belt land) and 15 (Conserving and enhancing the natural environment). Our previous submission (03.07.20) outlines the legal interpretation of the relevant sections



of the NPPF and debate continues with regard to the significance of future housing need and provision in designated Green Belt.

6. What is not in doubt is the clear position stated in Section 15 of the NPPF regarding National Landscapes (formerly AONB) which states in paragraph 163: “When considering applications for development within... Areas of Outstanding Natural Beauty (now ‘National Landscapes’), permission should be refused for major development other than in exceptional circumstances.”

7. The Applicant attempts to argue that in the cases of both the Green Belt and Chilterns National Landscape, these designations do not provide clear enough reasons for refusing the proposed developments. CPRE Hertfordshire profoundly disagrees with these assertions with regard to both the purposes of the Green Belt as noted in Section 13 of the NPPF, and the value and critical importance of National Landscapes as identified in Section 15.

8. With regard to Green Belt purposes, the Applicant accepts that the proposed development is on the urban fringes of Chorleywood but suggests that this is not “unrestricted sprawl” which is clearly wrong. Green Belt policy is precisely aimed at preventing sprawl and the magnitude of these proposals comprises an egregious example of inappropriate development and encroachment into open countryside, as is accepted by the Applicant.

9. We disagree profoundly that “the proposed development will not result in significant landscape or visual effects on the wider area, including the Chilterns AONB (sic)”. A proposed development of up to 675 units within the Chilterns National Landscape will self-evidently have a substantial impact on the surrounding open countryside.

10. The Applicant asserts that “the majority of the reasons (for the previous refusals of planning permission) related to the absence of a section 106 agreement to secure required obligations (seq)”. This is a deeply misleading statement.

11. Reasons 1, 2 and 3 refer to the undoubted harm which would be caused to the Green Belt, Chilterns National Landscape and the wider rural character and appearance of the area by the proposed major development. These are well supported, robust and policy based reasons for refusal and the remaining seven reasons for refusal relate to planning obligations and requirements which may or may not be satisfied by subsequent negotiations between the Council and Applicant.

12. The list of obligations are little more than would be expected of any development of the magnitude proposed, including educational provision. The “very special circumstances” required to be demonstrated by the NPPF should relate to specific conditions and circumstances of the site and not a general lack of housing, services and facilities which can be provided in a wide variety of more suitable locations.

13. In summary, we maintain our strong opposition to these proposed developments, as initially expressed in July 2020, and fully support the local community concerns and previous Council decisions. We urge the Council to continue to refuse permission for these speculative and inappropriate developments.

#### 4.2.8.2 The Chiltern Society:

First, to get a bit of frustration out of the way. The Developer here is playing games and wasting everyone’s time. Withdrawing a proposal after rejection by TRDC, then presenting a new proposal, little changed from before. So, we are back to square one. We think TRDC should take a dim view of this unprofessional behaviour from the Developer.

The Chiltern Society is well-established with circa 7000 members acting as a voice of all those championing the Chilterns and our countryside; campaigning to cut overbearing development, conserving the Chiltern landscape, and promoting the enjoyment and environmental understanding of the area.

This proposal for 300 homes appears a step towards the full development of 675 homes, so the comments below follow those submitted for Application 24/0538/OUT.

### **General**

What has changed? In terms of the new application, very little, so the comments below are broadly similar to those presented a year ago. However, there has been a change to the NPPF, which we believe provides the basis for a stronger case against speculative development. For example, there are changes to the status of the housing need measurement using the 'standard method' and, amendments to setting of Green Belt boundaries. The Local Plan has completed Regulation 18 consultation, and the Neighbourhood Plan is fully in place.

Although the Local Plan is not yet adopted, we believe the Reg 18 consultation together with the Neighbourhood Plan capture the voice of the local people sufficient to show that the proposed speculative development should be soundly rejected.

The draft Local Plan shows the local housing need can be met without the proposed site being developed. The Neighbourhood Plan expresses a strong view against uncontrolled, large scale, or poorly placed development, and minimising the loss of greenfield sites by, where possible, using previously developed sites. It also expresses a view to ensure development is sympathetic to, and improves, the look and feel of the Parish.

Overall, the proposed development is not 'sustainable'. It encroaches on National Landscape/Green Belt land; transport requirements exceed what the area can deliver; there is little provision for safe active travel; infrastructure and services are already at capacity and the character of the area cannot be enhanced by such a development.

The proposed development with "all matters reserved except for access" means that there can be significant change to the nature of the development over time. This shows a lack of commitment by the Developer to the scheme and its key parameters, including those for affordable housing and a primary school. These examples and the highly selective nature of the submission are reasons for rejection.

### **National Landscape (formerly AONB) and Green Belt**

National Landscape (AONB) and Green Belt land is highly protected as it is nationally important and defines the character of the area. A major development of 675 or 300 high-density houses, urban in its nature, is completely inappropriate and would be highly damaging to the character and openness of the area and levels of mitigation for a dominant development such as this will never mitigate, conserve, and improve or remedy the harm caused.

Development on National Landscape land requires "exceptional circumstances" (NPPF para 183) to be proven. This is a higher bar than Green Belt alone. "Exceptional circumstances" can be taken as meaning no other possible alternative can be found. The Developer has not shown any evidence that this is the case, so in our view "exceptional circumstances" do not exist in this case.

The Developer's assertion that "...the proposed development will not result in significant landscape or visual effects on the wider area, including the Chilterns AONB" is strongly contested and the submission fails to provide convincing evidence to the contrary.

Regarding development in AONB/Green Belt, the direction of travel from the Government is to conserve and enhance open land, whilst this proposal seeks to go in the opposite direction by 'urbanising' highly protected land.

To support their case, the Developer references other National Landscape sites where major developments have been approved – but there are probably more examples where there has been refusal!

### **Road Transport & Active Travel**

The submission addresses the A404, a narrow East-West corridor route connecting to the M25. This route, which serves many local villages, is already at capacity in peak hours. The Developer's assessments cover time periods 07:15 to 08:15 and 16:15 to 17:15 (weekdays) The road has a longer peak period than suggested, extending to 09:30 in the morning covering schools' drop-off and 15:00 to 18:30 in the evening covering the schools' pick-up and 'home from work' traffic.

Further, irrespective of modelling, which addresses only theoretical use, the reality is that roads which are close to capacity will go quickly into gridlock when it's raining (more traffic), when accidents occur, during roadworks and with parked cars and vans restricting the highway, etc. Congestion is already frequently occurring today.

Account must also be taken of the many developments recently approved around the A404 corridor; Little Chalfont (c400 homes), Newland Park Chalfont St Peter (100+ homes) and Sarratt (c100 homes) which will also severely add to the congestion on this access route to the M25.

A404 congestion is today forcing traffic to use alternative 'rat-runs' through the narrow single-track country lanes. These narrow lanes, which serve North-South travel are a characteristic of the area and are frequently gridlocked today with peak hour schools runs, delivery vans, and the impact of diverted traffic when A404/M25 and other major roads are congested. Recent road closures have shown the sensitivity to high traffic levels on these narrow lanes with grid-lock conditions occurring throughout the day.

The Developer has not attempted to model the traffic conditions on all the roads important to Chorleywood residents.

There is little or no proposals for active travel.

### **Impact on Other Infrastructure**

There are serious negative impacts to the infrastructure serving Chorleywood. Significant concerns include the provision of medical services and wastewater treatment is already over capacity (quote "Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal"). Local flooding has already occurred. Village parking is already at capacity as is parking at Chorleywood Station. The Chiltern Line and Met Line are over capacity in peak hours.

The provision of school places is a major concern. The Developer mentions under capacity in local schools but fails to mention that this current spare capacity is at schools outside safe walking or cycling distance. School-run traffic will increase significantly and will add stress to the narrow lane issues mentioned above. Chorleywood's narrow lanes do not support safe walking or cycling or indeed any significant extra road transport.

### **Biodiversity & Ecology**

Both developments will significantly adversely impact the biodiversity and ecology of the area due to their scale and high-density urban character. For example, the engendered Skylarks are resident in the area. By the Developer's admission biodiversity net gain can

only be achieved by off-site measures. This is totally unacceptable for a National Landscape/Green Belt area.

### **Summary**

The use of highly selective data casts doubts on the veracity of the whole submission and with “all matters except for access” as reserved matters demonstrate a lack of commitment by the Developer to the key parameters of the submission.

The National Landscape and Green Belt status of the land offers a high level of protection, and a development of this scale is totally inappropriate and will cause considerable harm to the environment, openness, biodiversity, and character of the area whilst stretching local infrastructure and services which are already at capacity.

The assessment on the impact on transport is inadequate. The assessment timeslots are incorrect, and no account is taken of the impact to the extra traffic in the narrow lanes that form the character of the area. The narrow A404 serving a number of local towns and villages is an already congested East-West corridor near capacity. There is no assessment of the impact on the local narrow lanes which are already frequently gridlocked at peak times (e.g., access to J17 M25)

Local infrastructure, schools, parking, rail travel and medical and water/wastewater services are all at capacity and will not support this development.

The Chiltern Society, therefore, recommends refusal of the application.

## **5 Reason for Delay**

- 5.1 The application has been extended beyond its original statutory determination period in order to enable the applicant to work with those statutory consultees who have raised technical objections, to address their objections as far as they are able.

## **6 Relevant Planning and related Legislation, Policy and Guidance**

### **6.1 Legislation**

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

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

S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

Countryside and Rights of Way Act 2000

Levelling-up and Regeneration Act 2023

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

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

The Environment Act 2021

## 6.2 National Planning Policy Framework and National Planning Practice Guidance

In December 2023 the National Planning Policy Framework (NPPF) was updated and may be read along with the National Planning Practice Guidance (NPPG) as relevant government planning guidance. As is recognised in the NPPF, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF and NPPG are ‘material considerations’ relevant to planning decision making. The NPPF is equally clear that “existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework” (NPPF Annex 1: 225).

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

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

## 6.3 The Three Rivers Local Development Plan

The planning merits of the application have been assessed against the policies of the development plan, namely, the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013), the Site Allocations Local Development Document (adopted November 2014) and the Chorleywood Neighbourhood Plan (adopted 2021) 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 (Development in Key Centres), CP1 (Overarching Policy on Sustainable Development), CP2 (Housing Supply), CP3 (Housing Mix and Density), CP4 (Affordable Housing), CP8 (Infrastructure and Planning Obligations), CP9 (Green Infrastructure), CP10 (Transport and Travel), CP11 (Green Belt) and CP12 (Design of Development).

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

Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020, adopted May 2021). The following policies are relevant to the current proposal: 1, 2, 4, 5, 8, 9, 10, 13, 15.

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

The Waste Core Strategy and Development Management Policies 2011–2026

The Waste Site Allocations Development Plan Document 2011–2026

#### 6.4 Other

Chilterns Area of Outstanding Natural Beauty Management Plan 2019-2024.

Chilterns Building Design Guide 2010.

Chorleywood Common Conservation Area Appraisal (2010)

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

### **7 Planning Analysis**

#### 7.1 Principle of Development – Impact on the Green Belt

7.1.1 The application site is located within the Metropolitan Green Belt. Core Strategy Policy CP11 sets out that the Council will maintain the general extent of the Green Belt in the District and will encourage appropriate positive use of the Green Belt and measures to improve environmental quality. There will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.

7.1.2 Development Management Policy DM2 notes that “as set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below”. Relevant to this current application is a) New Buildings, which states “Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance”. Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the NPPF are not materially different between the two. On that basis, it is considered that Policy DM2 is in accordance with the NPPF and may be afforded full weight. The NPPF is considered to contain national policy and therefore relevant guidance and a relevant material consideration.

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

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

7.1.4 Para 145 states that “Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are

fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process". This application does not seek to alter Green Belt boundaries. It proposes development within the Metropolitan Green Belt.

- 7.1.5 Para 150 states that "Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access..."
- 7.1.6 Paragraph 152 states that "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Para 153 states "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".
- 7.1.7 Para 154 states "A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are as follows:
- a) buildings for agriculture and forestry;
  - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - e) limited infilling in villages;
  - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
  - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
    - not have a greater impact on the openness of the Green Belt than the existing development; or
    - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority".
- 7.1.8 Paragraph 155 states that "Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction;
  - b) engineering operations;
  - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
  - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
  - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
  - f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.
- 7.1.9 This application, submitted in outline form, proposes the construction of a residential development, necessarily involving the construction of a substantial number of new buildings, car parking areas, roadways, lighting and hard and soft landscaping works including tree removals.

- 7.1.10 In respect of paragraph 155, the proposed development does not fall into any of categories a, c, d, or f. As regards categories b and e, whilst the proposed development involves considerable engineering operations and a material change of use, these are primarily associated with and contingent upon the construction of buildings and roads to form the development and not to be undertaken for any other purpose. In any event, the resultant land levels, and built form consequent upon the engineering works on the site, and the use would not preserve openness and would conflict with the purposes of including land within the Green Belt contrary to NPPF 155.
- 7.1.11 In *R. (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council* [2020] UKSC 3 the court held that the concept of openness referred to “the underlying aim of Green Belt policy...“to prevent urban sprawl by keeping land permanently open...and is also linked to the purposes to be served by the Green Belt...it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept.” Having regard to the above, it is considered that the proposed development would not preserve the openness of the Metropolitan Green Belt; nor would it fall within any of the exceptions in paragraph 154 or 155 of the NPPF. Furthermore, it would not fit within any exception set out in the statutory development plan. It would constitute inappropriate development contributing to urban sprawl and failing to safeguard the countryside from encroachment, in conflict with the purposes of Green Belt set out in NPPF 143. It would also harm the visual amenities of this part of the Green Belt for the reasons set out in more detail below. The NPPF 152 is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.1.12 The benefits of the case as put forward by the applicant to support their case for Very Special Circumstances are outlined at section 7.20 below.
- 7.1.13 As noted above, paragraph 153 of the NPPF states that “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”. Accordingly, before establishing whether a case for very special circumstances exists or not, it will be necessary to assess the planning merits of the proposed development to understand whether it would give rise to ‘any other harm’ to interests of acknowledged planning importance.

## 7.2 Principle of Development - Impact on the Chilterns National Landscape and the surrounding area

- 7.2.1 The application site is located wholly within the Chilterns National Landscape (CNL) (formerly Chilterns AONB). The Levelling Up and Regeneration Act (2023) amends the Countryside and Rights of Way Act 2000, amending S85 (general duty of public bodies etc) to insert the following:

“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”

- 7.2.2 Policy DM7 of the Development Management Policies LDD states:

“In considering proposals for development within or near the Chilterns Area of Outstanding Natural Beauty, the Council will support development unless the proposal would:

- i. Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design or external appearance of, or the type or form of, development
- ii. Detracts from the setting of the AONB and has an adverse impact on views into and out of the area



iii. Detracts from the public enjoyment of the AONB landscape.

7.2.3 The Chorleywood Neighbourhood Development Plan policy 8 sets out that development on land adjoining the Chilterns AONB must ensure that it is not intrusive on the landscape and protect views and access to the AONB asset.

7.2.4 At paragraph 182 the NPPF states:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”

7.2.5 At paragraph 183 the NPPF states:

“When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

7.2.6 Footnote 64 notes that in respect of paragraph 182/183, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

7.2.7 Therefore, as part of the NPPF assessment it is necessary to establish whether the development subject of this application is major development having regard to footnote 64. This application proposes development on a previously undeveloped green field and Green Belt site, and whilst access is the only matter for consideration, the development would by necessity include access roads, formal and informal amenity spaces and other infrastructure to support the 300 houses. On this basis, it is considered as a matter of planning judgement that the nature and scale of this development, in addition to its setting on an undeveloped site, is a major development. Therefore the requirements of Paragraph 183 of the NPPF would need to be met in full.

7.2.8 Whilst submitted in outline, the quantum of the development (ie up to 300 houses with associated infrastructure) is clear and indicative layout drawings have been provided to show how the development might be set out.

7.2.9 Chapter 13 of the ES refers to Landscape and Visual impacts. At 3.5.3 it discusses inherent design mitigation measures that will avoid and reduce landscape and visual impacts. These include retaining the existing hedgerow to the west of the site, setting back development from Green Street to retain a green context along the road, incorporating a planted northern boundary, incorporating a green corridor to the south of the site, incorporating public open space and green infrastructure, a landscape pattern which responds to local topography, and the use of advanced planting to achieve early design aims.

- 7.2.10 It notes that the landscape character of the site is of high sensitivity. During construction, landscape effects would be temporary with construction lasting for around three years. It notes that during construction, the only significant effects on landscape character will relate to the site itself and its immediate setting, with construction having a moderate adverse effect on the landscape character area (NCA 11 Chilterns and HCC Heronsgate Heights) and a minor adverse effect on the landform, due to localised earthworks. Construction would result in moderate adverse effects on users of footpath Chorleywood 014 and the private footpath to St Clement Danes school. Minor adverse effects will be had from views of the construction site from private gardens surrounding the site.
- 7.2.11 The report suggests that at 15 years, the only significant direct landscape effects would be within the site itself, with the change of use from improved pasture fields to an area of housing having a moderate adverse effect on the current rural land use and character. Lighting impacts are considered to have a minor adverse impact. The only significant impacts on landscape features would be on tree and hedgerow vegetation, with a moderate beneficial effect. The removal of 25m of hedgerow along Green Street would be compensated for by woodland pattern reinforcement to the remaining 250m of western boundary and 1167 linear metres new planting. Other effects are not considered in the report to be significant. Whilst 9.64ha pasture would be removed, this would be compensated for by the incorporation of significant areas of green infrastructure.
- 7.2.12 The report acknowledges a direct adverse effect on the landform of the site, suggesting it would be minor as the development would respect the sloping landform of the site.
- 7.2.13 Visual effects are expected to be on users of the footpath because its current rural context is replaced by a green corridor with housing beyond. The report suggests the changes could be neutral, particularly in the summer, with the new leafier context. Private views from rear gardens and upper windows on houses facing Orchard Drive would include parts of the site and may result in a moderate adverse effect on the current rural view but in the summer increased vegetation would mean a neutral impact.
- 7.2.14 The report notes that beyond these areas in the immediate vicinity of the site, the proposed development will scarcely be seen. No significant cumulative effects on landscape are expected to result. Whilst there would be combined views of the site in conjunction with the adjacent driving range scheme, vegetation will provide good screening. The conclusion sets out that the development will not result in significant landscape or visual effects on the wider area, including the Chilterns AONB.
- 7.2.15 The Chilterns Conservation Board (CCB) have been consulted in respect of the impacts on the AONB and their response is detailed at paragraph 9.1.4 below. The CCB raise objections to the proposal on the basis that they consider the proposal would neither conserve nor enhance the natural beauty of the Chilterns AONB. Natural England have also provided comments on the proposal and in respect of the submitted LVIA at 9.1.22 and raise objection on the basis that the proposal will have a significant impact on the purposes of designation of the Chilterns AONB. They also consider that the submitted LVIA has not assessed the special qualities of the AONB. The LPA has also sought independent advice from a consultant in respect of the applicant's Landscape and Visual Impact Assessment and the site layout within the illustrative masterplan, and their comments are at paragraph 9.1.27. They raise a number of concerns in respect of the methodology for undertaking the LVIA, highlight that the LVIA provides no consideration of the effects of the proposed development on the Chilterns National Landscape, and no considerations as to the effects of the proposed development on the Green Belt. They suggest the schemes would equate to considerable harm to the landscape and visual resource of the area.
- 7.2.16 At paragraph 7.20 below the applicant's case for exceptional circumstances to justify this development in the Chilterns National Landscape are set out.

7.2.17 Given that any design and layout matters are likely to be fundamental to the acceptability of this development in the Chilterns National Landscape, it is likely that officers would, in the event outline planning permission is to be granted, consider it reasonable and necessary to secure by condition details of design principles which demonstrate regard has been had to the Chilterns Building Design Guide, to ensure any development is respectful of the CNL location. It is considered necessary and appropriate that design principles be secured as part of the grant of any outline planning permission to ensure that a sensitive approach is established now which has full regard to the characteristics of the National Landscape. Officers consider that it would be essential for this to carry through to any Reserved Matters submission in the event outline planning permission is granted.

### 7.3 Impact on the character and appearance of the locality

7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.3.2 Policy 2 of the Chorleywood Neighbourhood Development Plan requires all developments to demonstrate how they are in keeping with and where possible enhance the special characteristics of Chorleywood. All development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design. The Chorleywood Neighbourhood Development Plan states that "the Parish's key feature is its 'rural feel'" and that "however you enter or leave the Parish you cannot fail to appreciate the 'rural character Chorleywood has".

7.3.3 This application is submitted in outline, with only matters of access for detailed consideration. An illustrative parameter plan has been submitted which indicates a maximum building height of 12.5m (ie 3 storeys) for buildings running parallel to Green Street, and stepping into the site to the south of the existing dip in the landscape which is to be used to contain SUDS, Green Infrastructure and Open Space. All other buildings would be up to 10m (ie 2.5 storeys).

7.3.4 The provision of a new vehicular access would impact the character and appearance of Green Street, introducing an urbanising feature along what currently has the characteristics of a rural lane. Formation of access points would result in the loss of some vegetation. However, it is noted that replacement planting and enhancements to existing landscaping could be sought at the reserved matters stage. The development would include the introduction of new bus stops with flags and shelters, which could also add to the urbanising impact of the development.

7.3.5 As noted previously, the final design of the proposed development would be an essential consideration, with the LPA placing great importance on any development having regard to the important characteristics, features and design context of the Chilterns National Landscape. This application does not consider Appearance or Layout (which are reserved for consideration at a later date).

### 7.4 Affordable Housing and Housing mix

7.4.1 Core Strategy Policy CP4 states that in order to increase the provision of affordable homes in the district and meet local housing need, the council will seek an overall provision of around 45% of all new housing as affordable housing, incorporating a mix of tenures. All

new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing. As a guide, 70% of affordable housing would be social rented and 30% intermediate.

- 7.4.2 For a major planning application such as this, it would be expected that all affordable housing is provided on site. This is reflected in Policy CP4 and the Affordable Housing SPD.
- 7.4.3 On 24 May 2021 the Government published a Written Ministerial Statement to set out plans for the delivery of First Homes. Following this, TRDC has set out a Policy Position Statement on First Homes. 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 meeting First Homes criteria and have a restriction to ensure this. Given the First Homes guidance, TRDC will now require 25% of affordable housing to be First Homes, 70% to be social rented and 5% to be intermediate.
- 7.4.4 Therefore, the development of 300 houses would be expected to make an affordable housing contribution of 135 houses, of which 34 would be First Homes, 95 would be Social Rent and 7 intermediate. The affordable housing must be secured at the outline stage.
- 7.4.5 The submitted Planning Statement sets out that the development would seek to deliver 45% of the development (ie up to 135 houses) as affordable housing, meeting the 25%/70%/5% tenure split set out above. This would comply with the minimum requirement the necessary tenure mix required by CP4.
- 7.4.6 In respect of housing mix, the 2020 Local Housing Needs Assessment suggests the highest need for three bedroom market houses, two bedroom affordable home ownership houses and 1 bedroom social/affordable rented houses. The indicative housing mix at table 3.1 of the Town Planning Statement suggests 40% of market housing would be three bedroom, with a fairly even split of 30%-35% of one/two/three bed units for affordable housing. The final details of this can be secured by condition attached to any outline planning permission for future agreement, to ensure the council's needs are met. Regard must also be had to Policy 4 of the Chorleywood Neighbourhood Development Plan which requires dwellings suitable for elderly/disabled persons or smaller dwellings suitable for first time buyers/downsizers to be provided.

## 7.5 Impact of proposal on heritage assets

- 7.5.1 Strategic Objective S10 of the Core Strategy is "To conserve and enhance the historic environment by resisting the loss of, or damage to, heritage assets including important buildings". Core Strategy Policy CP12 states that "in seeking a high standard of design, the Council will expect all development proposals to conserve and enhance natural and heritage assets".
- 7.5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:  
"In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 7.5.3 Paragraph 201 of the NPPF advises that:  
"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on

a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.”

7.5.4 Paragraphs 205 and 206 of the NPPF state that:

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

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

7.5.5 Paragraph 208 of the NPPF advises that:

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

7.5.6 The NPPG advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

7.5.7 DMP Policy DM3 refers to the historic built environment and notes that when assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets. Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.

7.5.8 Chorleywood Neighbourhood Development Plan policy 1 states that permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views in to or out of that Conservation Area.

7.5.9 The Environmental Statement includes a chapter on Cultural Heritage (Chapter 9) which assesses the potential effects of the proposed development on the historic environment.

7.5.10 Impact on the setting of the Chorleywood Common Conservation Area

7.5.11 Chorleywood Common was designated a conservation area in 1976 and was designated for its historic and architectural interest (which originates from the open rural nature of the Common and the integration of the built form surrounding it). Historically the common has been used for grazing land used by the commoners for the exercise of their common rights of pasture and to harvest wood. The existence of trees and scrub land contrasts strongly with the appearance of the Common in past centuries when the area would have been free of such greenery. The character appraisal notes “The built form located along the fringes of the Common is considered to be subservient to the vast expanse of the Common, thus, maintaining the open and rural character of the Conservation Area”. The appraisal sets out that “the overwhelming character of the Chorleywood Common Conservation Area is rural, centring around an open common”. It states that “To the west of the Common again the variations in land levels create an interesting feature within the Conservation Area. The layout of the dwellings, by Old Common Road and their varying heights relate to the topography of the land level creating an interesting landscape as viewed from the common”.

The appraisal states “views within, into and out of the Common and surrounding areas can add to the character and appearance of the conservation area. It is important that these views are maintained and not disturbed by inappropriate forms of development”.

- 7.5.12 DM Policy DM3 states that “permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views into or out of that Conservation Area”.
- 7.5.13 The Cultural Heritage chapter of the submitted ES suggests that the proposed developable area is set to the west of the site, maximising the distance between the conservation area and built elements of the scheme. Planting will limited glimpses from the conservation area. The report recognises that the significance of the CA and its sensitivity is high, and the magnitude of change would be medium. It states that there is likely to be a permanent, long term effect on the CA that is of moderate significance and adverse nature, equivalent to a low to medium degree of less than substantial harm.
- 7.5.14 The LPA’s conservation officer (9.1.24) and Historic England (9.1.20) have both raised objections to the proposal relating to its impact on the Chorleywood Common Conservation Area and its setting. The conservation officer raises an objection on the basis that the proposal would result in a low to medium level of less than substantial harm to the setting of the Chorleywood Common Conservation Area. This is because there are clear views of the site from the eastern part of the Common looking north west, and views will be lost and replaced with a view of the housing development. The urbanising effect to the setting of this part of the conservation area and the environmental changes including the change of use, light spill and movement are all attributes of the proposal that would detract from the setting of the conservation area and the appreciation of its significance. Historic England raise concerns that the development by reason of its form, scale and density would detract from the overall rural character and appearance of the wider landscape and cause harm to the setting and significance of the Chorleywood Common Conservation Area. They assess the level of harm as a low level of less than substantial harm.
- 7.5.15 Impact on the setting of the adjacent Listed Buildings
- 7.5.16 There are a number of listed buildings close to the site, but no listed buildings directly adjoin the site. To the north of the site fronting Green Street are the grade II listed Great Greenstreet Farmhouse and two grade II listed barns.
- 7.5.17 The Cultural Heritage chapter of the submitted ES suggests that the site’s current contribution to the significance of these listed buildings is low. It suggests that there is likely to be a permanent long term effect on the Great Greenstreet Farmhouse and barns of minor significance and suggests the design of the proposed development would provide mitigation. The Conservation Officer considers the proposal would not harm the significance of the adjacent listed buildings.
- 7.5.18 Impact on Archaeology
- 7.5.19 In respect of Archaeology the submitted Cultural Heritage chapter sets out that the below ground archaeological resource is considered to have a high sensitivity to change, and the magnitude of change is considered to be large with the significance of the environmental effect on the below ground archaeological resource across the site, without mitigation, being major. In respect of mitigation, intrusive archaeological investigations are proposed across the site, and each phase of the proposed development will be mitigated through a programme of fieldwork following an agreed Written Scheme of Investigation.
- 7.5.20 The County Archaeological advisor comments on this point within their consultation response (9.1.8) and requests trial trenching be undertaken prior to any decision being taken, given the geophysical survey report notes anomalies which may represent heritage assets. Trenching would enable them to assess the significance of any assets and also

review other areas that are blank. This information would also allow an informed design for the masterplan which appropriately considers the historic environment.

- 7.5.21 As part of the assessment, it will be necessary to establish the harm that might arise from the development on underground heritage assets. If the lack of information is considered to result in a potential level of substantial or less than substantial harm, this would need to be weighed against the public benefits of the proposal.

## 7.6 Highways Impacts

- 7.6.1 Core Strategy Policy CP10 relates to Traffic and Travel, and states that Development proposals will be expected to contribute to the delivery of transport and travel measures identified as necessary for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision for interchange and access by public transport, walking and cycling will be regarded as particularly important. The policy explains that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Clearly the development subject of this application is specifically designed to cater for travel by motor vehicle.

- 7.6.2 Policy CP10 states that Development will need to demonstrate that it provides a safe and adequate means of access, is appropriate in scale to the existing transport infrastructure and where necessary infrastructure can be improved. It is necessary for the impact of the proposal on transport to be fully assessed through a comprehensive Transport Assessment.

- 7.6.3 The NPPF at para 114 sets out that in assessing specific applications for development it should be ensured that

*a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*  
*b) safe and suitable access to the site can be achieved for all users;*  
*c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*  
*d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

- 7.6.4 Paragraph 115 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”.

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

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

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

- 7.6.7 Policy 10 of the Chorleywood Neighbourhood Development Plan requires developments of 10 or more dwellings to provide satisfactory information and proportionate evidence which demonstrates that the development is or could be practicably made accessible to Chorleywood station and environs around Lower Road by safe pedestrian and cycle routes. Policy 15 states that existing public rights of way and means of public access will be protected and where possible enhanced by any development.
- 7.6.8 This application includes a number of highways works and as explained above, whilst the application is submitted in Outline form, matters of access are for full consideration as part of the application. The impact of the proposed highway works are to be assessed by Hertfordshire County Council as the Local Highway Authority, and National Highways as the Highway Authority for the strategic road network. Active Travel England are also a statutory consultee considering how active travel is incorporated into the development.
- 7.6.9 This application would include the following works to the highway:
- Formation of pedestrian and cycle access to the site from Green Street south of the existing cattle barn.
  - Formation of vehicular access (including pedestrian and cycle) to the site from Green Street north of the junction with Orchard Drive
  - Alterations to Green Street to provide right turn lane for vehicles travelling from Chorleywood to enter the site.
  - Alterations to the junction with Orchard Drive to provide revised pedestrian crossing arrangement.
  - Widening of footway along Green Street to 4m from the northernmost access to the site down to Orchard Drive, with the footway to be 3m south of this, and provided as a footway/cycleway.
  - Additional bus stops introduced on Green Street close to site entrance.
  - Provision of tactile paving and wider footway at Gilliat's Green.
  - Renewal of highway markings of existing pedestrian crossings at junction of Green Street/Station Approach
  - Provision of new parallel crossing north of Green Street service roads (opp No. 51 and 58).
  - Contribution toward additional cycle parking at Chorleywood Station and an additional ticket gate.
- 7.6.10 At the time of writing Hertfordshire County Council as Highway Authority have not provided comments on the application. They have sought additional clarification from the applicant's Highways Consultant and are awaiting receipt of that information. Concerns have been raised in respect of highways matters by members of the public and the Parish Council and those concerns are being reviewed by the County Council alongside the applicant's submissions.
- 7.6.11 The submitted information has been reviewed by National Highways (Para 9.1.18), and TfL (9.1.31) and their consultation responses are reported.
- 7.6.12 National Highways have raised no objections to the proposal, confirming the presented trip generation, distribution and assignment are acceptable, and overall numbers of trips predicted to reach the strategic road network are reduced.
- 7.6.13 Transport for London have requested improvements to walking and cycling infrastructure to the station from the site to accommodate increased trips, and increased cycle parking at the station. They have also requested a financial contribution, to be secured by S106, towards new ticket gates at Chorleywood Station. Subject to the costs of the entrance gate being secured by S106, TfL have no objections.



## 7.7 Vehicle Parking

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

7.7.2 As previously noted, this application is submitted in outline with matters of access for consideration. The site's layout would be considered at a later date as a reserved matter and it is expected that the proposed car parking layout and provision would be dealt with at that time. Having regard to the number of dwellings proposed on site, it is acknowledged that a significant number of car parking spaces would be required (at least 300). It is considered that the quantum of spaces could be accommodated within the site.

## 7.8 Impact on amenity of neighbouring occupiers

7.8.1 Paragraph 135 of the NPPF advises that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.8.2 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities.

7.8.3 The application is submitted in outline, with matters of access for consideration. However, the application is accompanied by an illustrative masterplan which suggests a form of development where a significant buffer distance could be maintained between the rear gardens of properties fronting Orchard Drive and Woodlands Lane, and the houses within the development site.

## 7.9 Pollution – Air Quality

7.9.1 Paragraph 180 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

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

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

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

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

- Have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or

- Be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.

7.9.4 The Environmental Statement includes a Chapter on Air Quality, informed by an air quality assessment. This shows that with the baseline pollutant concentrations and proposed traffic generation onto the existing road network, the impact of new vehicle emissions from the proposed development would be negligible. Mitigation measures could be used to reduce impacts at the construction phase. The Environmental Health officer has reviewed the submission and raises no objections subject to a condition requiring a dust management plan to be submitted for approval.

#### 7.10 Pollution – Noise and vibration

7.10.1 Paragraph 180 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

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

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

7.10.3 The Environmental Statement includes a chapter on noise and vibration impacts and any potential mitigation measures. The Environmental Health Officer has considered the submission and their comments are reported.

#### 7.11 Pollution – Light

7.11.1 Policy DM9 sets out that development proposals which include external lighting should ensure that proposed lighting schemes are the minimum required for public safety and security, that there is no unacceptable impact on neighbouring or nearby properties or the surrounding countryside or wildlife.

7.11.2 Chapter 13 of the Environmental Statement reviews the landscape and visual impacts, including lighting, and a lighting impact assessment has been submitted (Lighting Assessment/Strategy by WSP dated March 2024) which suggest lighting will only be required during hours of darkness where needed for safety and security, with levels of illumination in keeping with the dark wider landscape. With the recommended principles in place and establishment of additional boundary habitat, where there are views of lighting this would cause minor adverse effects. Views from the AONB to the north are expected to be viewed alongside areas of existing lighting, resulting in a minor adverse impact. At the Reserved Matters stage, further details of any proposed site lighting and the lighting strategy can be reviewed, to ensure this is sensitive to the landscape, the rural context and the ecological context of the site.

#### 7.12 Pollution – Land Contamination

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

7.12.2 The application is accompanied by a preliminary contamination risk assessment which suggests a maximum low risk level. It is recommended that intrusive soil investigation be undertaken, and this could be secured by condition. Such a condition is recommended by the Environmental Health Officer.

### 7.13 Impact on Wildlife, Biodiversity and Agricultural Land

7.13.1 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.

7.13.2 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value.

7.13.3 Paragraph 180 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by:

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*

7.13.4 Footnote 62 states "Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality".

7.13.5 Paragraph 185 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should: *b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*

7.13.6 Policy CP1 of the Core Strategy (adopted October 2011) advises that; "all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to" (amongst other things) (f) "protect and enhance our natural, built and historic environment from inappropriate development and improve the diversity of wildlife and habitats". Policy CP9 of the Core Strategy (adopted October 2011) advises that; "The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces".

7.13.7 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.

7.13.8 The applicant has submitted an Agricultural Land Classification which concludes the land is Grade 3B land which is not considered best and most versatile land.

7.13.9 In respect of biodiversity, the submission includes Biodiversity Net Gain calculations which show a 23.05% increase in habitat units and 124.49% increase in hedgerow units. The gain is achieved with the creation of both on-site and off site habitats. Herts Ecology have reviewed the proposed BNG, and raise concerns about the viability of providing meaningful BNG off-site within an otherwise formal sports complex. Sufficient information has been received to determine the application and achieving the gains would be secured by the mandatory condition, S106, and a requirement to provide a habitat management and monitoring plan.

7.13.10 In respect of protected species, Herts Ecology have reviewed the submitted reports and do not consider that protected species would represent a fundamental ecological constraint to the proposals. Mitigation measures are proposed and these could be secured by planning condition. Concerns are raised in respect of the scheme generating further recreational pressure on Chorleywood Common Local Nature Reserve and mitigation of those additional pressures being proposed. Officers consider this could be secured by condition.

#### 7.14 Impact on trees and landscaping

7.14.1 As previously noted, this application is submitted in outline with landscaping a reserved matter. Nevertheless, the application has been submitted with an illustrative landscape strategy.

7.14.2 Development Management Policy DM6 notes that proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible. It also notes that planning permission will be refused for any development resulting in the loss or deterioration to protected woodland, protected trees, and hedgerows unless conditions can be imposed to secure their protection. It states that where the felling of a tree or hedgerow is permitted, a replacement tree or hedge of an appropriate species, size and in a suitable location will be required.

7.14.3 The NPPF sets out at para 186c) that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”.

7.14.4 The application is accompanied by an Arboricultural Report which sets out that trees will need to be removed within the roadside belt to create the access to the site, but other than these no other trees would be removed. The potential for a scheme to deal with the number of Ash trees and the potential impacts of Ash Dieback is also considered. Whilst the development

7.14.5 The Tree and Landscape Officer notes that the site boundaries would be retained or supplemented with new planting, and the proposal would allow for substantial new tree, shrub and hedge planting, and raises no objections in respect of Arboricultural impacts.

#### 7.15 Energy Use

7.15.1 Paragraph 157 of the NPPF states that “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.

7.15.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.15.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate

that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.15.4 The application is accompanied by an Outline Energy and Sustainability Strategy (ES Appx 3.1). This sets out that the proposed development is predicted to exceed Part L 2021 carbon emission reduction requirements. As this application does not seek approval for the appearance or layout of the proposed buildings, it is anticipated that any future Reserved Matters submission would provide full details of the energy efficiency of the proposed buildings and demonstrate their ability to comply with Policy DM4.

#### 7.16 Flood Risk and Drainage

7.16.1 Policy CP1 requires all development in Three Rivers to contribute to the sustainability of the District, by minimising flood risk through the use of Sustainable Drainage Systems. Policy DM8 refers to Flood Risk and Water Resources, and states that development will only be permitted where it would not be subject to unacceptable risk of flooding. It also states that Development in all areas should include Sustainable Drainage Systems to reduce surface water runoff.

7.16.2 The application has been accompanied by a Flood Risk Assessment and this is in the process of being reviewed by the Lead Local Flood Authority. Their comments have not been received.

7.16.3 The application site is located within Flood Risk Zone 1 (ie lowest risk of fluvial flooding). The Environment Agency have advised that there are no constraints within their remit at the site and therefore they raise no comments but encourage the use of Sustainable Drainage Systems and water efficiency measures.

7.16.4 Affinity Water have advised that the proposed development site is located within an Environment Agency defined Source Protection Zone and have advised that any pollution found at the site should be suitably monitored and remediated. They have also advised for the need for a Ground Investigation to be undertaken should any excavations be required below the chalk groundwater table.

7.16.5 Thames Water have confirmed that they have identified an inability of the existing foul water network infrastructure to accommodate the needs for the development proposal and require a condition be attached to any planning permission that does not allow the occupation of the development until all foul water network upgrades are completed or a phasing plan agreed.

#### 7.17 Refuse and Recycling

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

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

7.17.2 The County Council's adopted waste planning documents reflect Government policy which seeks to ensure that all planning authorities taken responsibility for waste management. This includes ensuring that development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the

rest of the development and ensuring that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.

- 7.17.3 HCC would therefore require a Site Waste Management Plan (SWMP) to be submitted which should aim to reduce the amount of waste produced on site. HCC note the submitted Outline Solid Waste Management Strategy which states a SWMP would be prepared, along with a Construction Traffic Management Plan and Construction Environmental Management Plan, and that overall the strategy provides a good base for the production of a SWMP which should be secured by condition.
- 7.17.4 In relation to minerals, the site falls just outside the 'Sand and Gravel Belt' as identified in HCC's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire.
- 7.17.5 The county council, as the Minerals Planning Authority, encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources.
- 7.17.6 In respect of domestic waste, it is considered that further details regarding the storage and management of waste on site would be considered at the reserved matters stage.

#### 7.18 Infrastructure Contributions

- 7.18.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) Charging Schedule sets out that the charge per sq.m of residential development in this area is £180 (plus indexation).
- 7.18.2 Transport for London have requested a financial contribution be secured of £500,000 (index linked to 2021) to enable an additional ticket gate to be installed at Chorleywood Station. This would enable the development to mitigate its impacts in terms of the additional demand at Chorleywood Station, and encourage the use of sustainable means of transport. Their comments also state that additional cycle parking in and around the station should be provided.
- 7.18.3 It is anticipated that Hertfordshire County Council as Highway Authority will require contributions and highways works to be secured. Further details will be provided once received.
- 7.18.4 The Hertfordshire and West Essex Integrated Care Board have requested £387,572 toward General Medical Services.

#### 7.19 Referral to Secretary of State

- 7.19.1 The Town and Country Planning (Consultation) (England) Direction 2024 requires Local Planning Authorities to consult the Secretary of State before granting planning permission for certain types of development. These include inappropriate developments in the Green Belt that by reason of their scale or nature or location would have a significant impact on the openness of the Green Belt. In the event that it is concluded that the development subject of this application is acceptable although contrary to the Development Plan, or that very special circumstances exist which are considered to outweigh the harm to the Green Belt by inappropriateness and any other harm, it would be necessary for the LPA to consult the Secretary of State prior to a decision being issued. The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in an application under section 77 of the Town and Country Planning Act 1990. If a planning

application is called in, the decision on whether or not to grant planning permission will be taken by the Secretary of State.

7.19.2 Furthermore, in accordance with the comments received from Natural England, in the event TRDC is minded to grant planning permission it would be necessary under S28I of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permissions, the terms on which it is proposed to grant it and how the authority has taken account of Natural England's advice and allow a further 21 days before the operation can commence.

## 7.20 Benefits of the Scheme

7.20.1 The applicant has suggested the following planning benefits would be realised from the scheme and this forms the applicant's case for very special circumstances (Green Belt), exceptional circumstances (AONB/CNL) and public benefits (heritage harm). These benefits are summarised below and presented for information with no weighting given at this time:

- Sustainable Location for Development – Chorleywood is one of the most sustainable settlements in the District with a range of services and facilities serving the local population and is an appropriate location for future development. The site is on the urban fringe of Chorleywood and is well-connected to Chorleywood Station and other public transport links and the village core. The development would make efficient use of this highly sustainable location, contribute to the vitality and viability of the existing settlement and promote sustainable transport modes to reduce the reliance on the car.
- Meeting Housing and Affordable Housing Need – there is a serious shortfall in supply and delivery of market and affordable housing. The proposal would deliver 300 homes and the housing mix would focus on 1, 2 and 3 bedroom properties, meeting local housing need for smaller homes suitable for first time buyers and downsizers as set out in the Chorleywood Neighbourhood Plan as well as family housing. The delivery of 300 houses would equate to 0.4 years supply of the Council's housing need based on the current target of 764 homes per year. The proposal would also deliver 45% (135) affordable homes with a policy compliant tenure split, meeting the policy requirement percentage overall.
- Provision of Local Community Facilities – The proposal will guarantee the delivery of new high quality sporting and community facilities for the local community at the Chiltern Hills Golf Course (CHGC) site to the west of the application site.
  - Through cross-subsidisation of the proposed development, Chorleywood Common Youth Football Club would be given provision of new football pitches and a permanent clubhouse for their use. Chorleywood Golf Club would be granted a long-term lease at a peppercorn rent. CHGC benefits from planning permission for an 18 hole golf course and clubhouse with outbuildings, car park and access. Buckinghamshire Council are considering a planning application to amend previous planning permissions at the site to allow for recontouring of the site to include a golf driving range/practice area and green plateau for use as football playing pitches, the erection of a temporary clubhouse to serve the football club for 5 years. The site is well located to serve the football club. Due to increased demand the club has a shortage of playing pitches. The proposal would create a community sports hub which would not only serve existing players and members of the club but would allow the club to expand its offering and meet local demand which it is currently unable to do. This would enable football for all and facilitate new sports clubs beyond football (running, cycling, fitness for example). It would generate new revenue streams for the club, allowing staff to be employed.
  - Chorleywood Golf Club is a small community club, founded in 1890 as the first golf club in Hertfordshire. It is currently located at the 9 hole course on Chorleywood Common but has an aging membership and difficulties operating a golf course from the common. The common offers a number of difficulties as a golf course, including

being insecure from damage, poor quality, causing danger to public users, car park congestion, inability to police Green fees, restrictions of Sunday afternoon golf, and absence of practice facilities. It is proposed that Chorleywood Golf Club would be granted a long-term lease on CHGC at a peppercorn rent, enabling the club to operate from both sites and improve its offering to attract new memberships.

- Economic Benefits – Development will support on average 110 on-site construction jobs for the 3 year construction period, generating £23.4million of GVA over the construction period, generate around 65 full-time equivalent jobs for Three Rivers, provide increased residential expenditure of £1.5million per annum, and provide £11.5million income over 20 years including revenue from New Homes Bonus, Council Tax and Community Infrastructure Levy.
- Open Space and Play – The council’s most recent assessment of the open space needs in Three Rivers shows a shortfall in ‘parks and amenity greenspace’ in Chorleywood with no formal park provision. There are also gaps in walk time catchments for children and young people, and this is particularly detrimental to the north of Chorleywood as existing provision comprises The Swillet play area. The proposal will deliver a range of multifunctional green spaces, providing opportunities for children’s play, recreation paths and biodiversity enhancement, and the level would be above that required to serve the development itself.

7.20.2 In addition to setting out the proposed benefits of the scheme, the application sets out that there is a lack of alternative sites. The applicant sets out that 77% of Three Rivers is Green Belt and a further 6% is in the Chilterns National Landscape. There are 22 conservation areas, two in Chorleywood, and 350 listed buildings. The main settlements and built up areas comprise only 22% of the District Land Area. Therefore new opportunities for significant new development in Three Rivers on brownfield sites or areas not protected by specific designations generally are extremely limited. The applicant therefore suggests that in order to meet housing targets, greenfield sites and sites where development is typically discouraged such as Green Belt and AONB (National Landscapes) will need to come forward. The applicant sets out that for development to meet the significant need for Chorleywood, it needs to be delivered at the settlement edge of Chorleywood and therefore the AONB land must be considered. The applicant sets out that there is also a lack of alternative sites in or around Chorleywood, demonstrated through the lack of potential allocations in the Emerging Local Plan.

7.20.3 The benefits set out above would need to be considered by the decision maker, as would the weight attributable to each.

#### 7.21 Tilted Balance and Planning Balances including Very Special Circumstances (Green Belt), Public Benefits (Heritage) and Exceptional Circumstances (National Landscape)

7.21.1 As part of the decision making process, there are various planning balances that must be undertaken by the decision maker. Whilst summarised in the title above, these are also explained in the relevant part of this report (for example, the need to consider very special circumstances is explained at the end of the Green Belt section of this report).

7.21.2 In respect of the tilted balance, the Council can only demonstrate a 1.9 year housing land supply. As a result, the policies that are most important for determining the application are deemed to be ‘out of date’ and the tilted balance at paragraph 11 of the NPPF applies:

For decision-taking this means:

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or



ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.21.3 In respect of d) i. the NPPF sets out that the policies referred to (that protect areas or assets of particular importance) include those relating to land designated as Green Belt, an Area of Outstanding Natural Beauty and designated heritage assets.

7.21.4 As part of the assessment of the proposal, it will be necessary to identify which policies are most important for determining the application, and the weight to be attributed to them notwithstanding that they may be considered out of date. It would then be necessary to undertake an assessment under i or ii above.

7.21.5 When undertaking this assessment, it will be necessary to have regard to the facts of this case, but also the principles of any similar cases in so far as they are material. In that respect, officers consider that the conclusions reached by the Planning Inspector in allowing two appeals for a total of 92 new houses and a new doctors' surgery on two sites off Church Lane in Sarratt should be taken into account, although it is acknowledged that application did not have the same heritage or National Landscape considerations as the current application. The following paragraphs of the Inspector's decision are considered to be of relevance:

*94. The relevant legislation requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The current five year housing supply situation is pressing and acute. The very great need for housing is persistently going unmet. The existing development plan is simply not delivering anywhere near the requisite amount of housing of all types. The Council accepts that the need cannot be met purely within existing settlement boundaries and that significant Green Belt land will need to be built on to meet this unmet need. These circumstances mean inevitable adverse consequences for the openness of the Green Belt, its purposes, and in terms of landscape and visual effects. I consider a plan-led approach to development is certainly desirable, but in this instance, there seems little prospect of a timely plan-led remedy. The overwhelming deficiency in the five year housing supply needs to be addressed as a matter of urgency, rather than waiting for the adoption of a new local plan.*

*100. However, the Council cannot demonstrate a five year supply of housing, and so the most important development policies are deemed out of date. It is quite clear that the strict application of these policies, especially 'place-shaping' or spatial policies such as Policy PSP4, as well as Policy CP4 on affordable housing, is not leading to sufficient housing of all types being provided in accordance with the Framework, and are restricting development. The overwhelming lack of supply of diminishes the weight that can be attached to any conflict with these policies. The demonstration of very special circumstances amounts to powerful material considerations justifying departing from the development plan.*

*101. The severe housing shortfall attracts very substantial weight in favour of granting permissions for the proposals, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. I am satisfied that none of the reasons put forward for opposing these proposals establishes that the harm would significantly and demonstrably outweigh the benefits. Therefore, notwithstanding any conflict with development plan policies, it follows that both appeals should succeed, subject to conditions. I deal with the conditions below.*

7.21.6 In respect of the Planning Balance it will be necessary for the decision maker to take account of the material planning considerations to the case, and balance any adverse impacts of the development against the benefits put forward by the applicant (see section

above) and any other identified benefits. Any adverse impacts are likely to primarily be identified as part of an assessment of the proposal against the statutory development plan and other material planning considerations. These would need to be weighed against the benefits which may also be identified as part of the assessment.

7.21.7 As part of a full assessment of the scheme to be completed by officers and presented to Planning Committee at a later date, the full extent of any harm arising from the scheme would be identified, and this would be balanced against the benefits of the scheme to enable a recommendation to be made as to whether outline planning permission may be granted or not.

## 7.22 Site Visit

7.22.1 It is noted that this development is of a considerable size and scale, impacting a large area of land which is designated as National Landscape and Green Belt, as well as impacting the setting of a conservation area. On that basis, and given the case put forward by the applicant in support of their application and the LPA's housing delivery and housing land supply situation, it is recommended that Members agree to a site visit being arranged prior to the application being presented to Committee for a decision, to ensure Members have the opportunity to view the site and understand its topography and how it relates to its surroundings.

## **8 Recommendation**

8.1 That Members agree for officers to arrange a site visit prior to this application being presented to Planning Committee for a decision.

8.2 There is no recommendation for a decision to be made at this stage in the consideration of the application. Consequently, it is recommended that the Committee notes the report, and is invited to make general comments with regards to the material planning issues raised by the application.

## 9 Appendix 1: Consultation Responses

### 9.1.1 Active Travel England (16 May 2024): [Deferral, more information needed]

Deferral: ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.

#### **1.0 Background**

Active Travel England (ATE) welcomes the opportunity to comment on this outline planning application for up to 300 no. residential dwellings (Use Class C3), associated access and other infrastructure. All matters are reserved except for access.

It is understood that the site is not allocated within the Local Plan and '*The Emerging Local Plan does not identify the Site as a potential housing allocation.*' (Planning Statement 5.13) It is also understood that in 2023, Three Rivers District Council (TRDC) refused outline planning permission for two applications relating to residential development at the Site (refs: 20/898/OUT and 20/0882/OUT). These applications were for 800 and 300 homes respectively. Various reasons were given for refusal, none of which relate specifically to active travel concerns, although the lack of a S106 agreement which meant 'the proposed development fails to maximise sustainable travel options', is understood to relate to a contribution towards a bus service, as well as an agreement to secure a Travel Plan, amongst other things.

ATE had no prior involvement in the above application or historical applications relating to this site. However, a planning application (24/0538/OUT) for 675 homes and a new primary school has been submitted at the same time as this application. ATE have been consulted on this and issued a separate response.

#### **2.0 Summary**

While it is acknowledged that this application is currently at outline stage, there are numerous active travel matters that require attention in accordance with policy to ensure that sustainable development can be delivered in a way that enables and embeds walking, wheeling and cycling as the first natural choice for local journeys.

The quality of proposed active travel infrastructure and the means by which new residents of the development will access homes, local facilities and their place of work is of relevance. This will have a direct bearing upon the residual impacts of the development, but more importantly the health, lifestyles, and social inclusivity of future residents.

The submitted Planning Statement considers the proposals are in a '*Sustainable Location for Development*' and that being located '*approximately 1.1km north of Chorleywood village centre*' it is in '*within easy cycling distance, as well as within the maximum preferred walking distance.*' (Planning Statement 8.5)

The submitted Design and Access (DAS) explains that '*The site offers excellent potential for sustainable travel, with Chorleywood Train & Underground Station located a short 10-15 minute walk away.*' It goes on to explain that '*The design seeks to maximise the site's excellent sustainable transport potential. The scheme will connect and expand the existing route network surrounding the site, linking the proposed development to its surrounding established context.*'

The Transport Assessment (TA) identifies '*off-site improvements were previously proposed and agreed with HCC as part of planning application 20/0898/OUT for 300 dwellings. In order to ensure pedestrian and cycle accessibility of the site, these off-site proposals are again proposed for the current planning application*' (Paragraph 4.8)

ATE believe the proposals have strong potential to contribute towards active travel given the sites sustainable location, within walking and cycling distance of Chorleywood District Centre, transport links and educational facilities. However, ATE believe that further steps can be taken to ensure walking and cycling will be the natural first choice for many journeys as part of these proposals, in line within NPPF Paragraph 109. After considering the submission, ATE is requesting that the application is deferred and requests further assessment, evidence, revisions and/or dialogue as set out in this response and summarised below.

- Further consideration of trip generation for active modes
- A more thorough assessment of active travel routes
- Amendments/improvements to offsite active travel infrastructure
- Improving links to existing footpaths
- Revised approach to internal layout
- A more ambitious travel plan

## **1.0 - National Policy and Guidance**

To meet the requirements of government policy, new settlements need to effectively connect to their local area while providing the conditions that prioritise active travel. The following extracts are key considerations in the assessment and recommendations ATE make on planning applications:

The National Planning Policy Framework (NPPF) sets out how:

- Safe and suitable access to the site can be achieved for all users (114).
- the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code (114)

Applications for development should (116):

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas...;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure, and attractive – which minimise the scope for conflicts between pedestrians, cyclists, and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

The National Design Guide sets further expectations for Active Travel routes as follows:

82..Prioritising pedestrians and cyclists mean creating routes that are safe, direct, convenient, and accessible for people of all abilities. These are designed as part of attractive spaces with good sightlines, and well-chosen junctions and crossings, so that people want to use them.

Gear change: sets the Government's vision for cycling and walking to be the natural first choice for many journeys with half of all journeys in towns and cities being cycled or walked by 2030. Key requirements of Gear Change sets the following expectations for cycling infrastructure:

- Separation from volume traffic
- Separation from pedestrians
- Cycles treated as vehicles, not pedestrians
- Isolated stretches of good provision are of little value
- Routes must feel direct, logical, and intuitively understandable
- Avoiding cosmetic alterations
- Barriers should be avoided

In relation to new housing developments, LTN1/20 Cycling Infrastructure (2020) sets out how 'new housing development provides a major opportunity to create new and improved cycle infrastructure' (14.3.1), drawing attention to the following aspects of assessment:

14.3.6 It is important that the TA does not overestimate motor traffic travel demands, which could make it difficult to provide well-designed cycle infrastructure, particularly at the site access points. Travel demand forecasts should take into account the potential for the increased levels of cycling that will be enabled by high-quality cycle facilities, both on- and off-site.

**Inclusive mobility:** provides guidance on designing and improving the accessibility and inclusivity of public transport and pedestrian infrastructure.

**Active Design:** sets out how the design of our environments can help people to lead more physically active and healthy lives in relation to active travel (principle 3) and high-quality spaces (principle 5).

#### **4.0 Areas of Concern**

##### **Trip generation and assignment:**

The TA includes a multimodal trip generation and explains a Trip Rate Information Computer System (TRICS) analysis has been undertaken to establish person trip rates with Census 2011 Travel to Work data for the local area (Chorleywood) has been used to provide a mode share of the employment.

Table 9 of the TA includes Combined Trip Generation by Mode across employment, education and retail trips. The TA notes that 34 trips are expected in the AM peak hour by train or underground and another 30 trips in the PM peak hour. Just 2 bicycle trips are expected in the AM peak hour and 1 in the PM peak hour. 76 AM and 47 PM walking trips are expected.

The TA notes that Chorleywood Railway Station is located approximately 1km to the south of the site and is therefore within acceptable walking distance for commuting and within the preferred maximum walking distance for other trip purposes. It is also within acceptable cycling distance. (Paragraph 2.19).

Given the location of the site, close to national and underground rail links to central London, it is highly likely that a significant number of journeys to work undertaken by rail will involve either walking or cycling. The assessment could be made more robust through trip forecasting journeys which include active travel movements to the station as the current methodology risks underproviding for active travel.

##### **Active travel route audit:**

The submitted TA provides a description of surrounding walking / cycling conditions within section 2.0 and this is illustrated with several helpful photographs. However, there is limited analysis of the numerous deficiencies in the surrounding network nor analysis of the primary active travel routes to and from the site to surrounding services.

A thorough audit of routes to key services expected to be undertaken by active modes should be completed with consideration of their coherence, directness, safety, comfort and attractiveness in line with LTN 1/20 1.5 Core design principles as well as Inclusive Mobility guidance.

##### **Pedestrian access to local amenities:**

Table 4: Summary of local facilities (distances to centre of the site) of the TA includes local facilities along with the distance and walk and cycle times to them. Table 2 includes CIHT Guidelines for Acceptable Walking Distances, with between 400 and 1200 m identified as being between desirable and acceptable distances.

It is of note that many facilities are located towards the maximum walking distance from the site and the closest existing primary school is located 1.4km from the site, and these

proposals do not intend on delivering a new primary school. This is a concern as educational trips account for 48% of journeys in the AM and 15% in the PM (TA Table 8: Trip Purpose). Moreover, Table 12: Education Modal Split shows that 40.2% of these trips will be made on foot in the AM and 36.6% in the PM. Whilst this remains feasible for secondary school facilities, the distance to the closest primary school may be prove prohibitive.

Generally, walking and cycling distances are considered acceptable to other uses, however given they are towards the upper end of acceptable, it is considered that surrounding active travel infrastructure should be of an excellent quality to incentivise active journeys to and from the site and offer 'a genuine choice of transport modes' to encourage sustainable travel (NPPF paragraph 109).

**Cycling accessibility:**

Paragraph 2.18 of the TA explains that '*LTN 1/20 (Cycle Infrastructure Design) states that two out of every three personal trips are less than five miles in length, which is an achievable distance to cycle for most people.*' Whilst there are several facilities within this distance from the site, there is no surrounding segregated infrastructure with sufficient protection from motor traffic in accordance with LTN 1/20 such that most potential cyclists would be excluded, particularly less confident cyclists. It is therefore imperative that measures to improve this are of a sufficient standard as agreed with the local highways authority. This is addressed further below.

**Access to public transport:**

Paragraph 2.12 of the TA explains that '*The site is served by public transport with an hourly bus service between High Wycombe and Watford. Bus stops are located on Green Street, approximately 110m south of Orchard Drive. There are also bus stops located approximately 60m south of the A404 junction with Green Street.*'

It is noted that bus stops are approximately 230m and 480m from the edge of the site, however from dwellings within the site this distance increases. It is understood that discussions with Hertfordshire County Council (HCC) to determine whether a bus could enter the site with new stops within the site being provided are ongoing. This would result in all residents of the proposed development being within an acceptable walking distance of the bus service. ATE would welcome the HCCs view on the likely feasibility of such a service, as it is desirable for all residents to be within 400m of a bus stop if at all possible. It is however noted that SK34 shows two bus stops on Green Street which may negate the above issue, albeit there is some concern regarding the adequacy of the proposed crossing.

**Off-site transport infrastructure:**

Paragraph 4.8 of the TA identifies a number of offsite improvements previously proposed and agreed with HCC as part of planning application 20/0898/OUT for 300 dwellings. These offsite proposals have been proposed again in order to '*ensure pedestrian and cycle accessibility of the site.*'

ATE have reviewed these proposals and have the following comments to make:

Green Street (adjacent to site up to Orchard Drive): footway /cycleway widening to 4m (Drawing SK43);

Green Street Junction with Orchard Drive: a partial set back of the footway /cycleway with marked priority (Drawing SK44);

Green Street (south of Orchard Drive): footway /cycleway improvements including widening the footway /cycleway to 3m, tactile paving and better signing (Drawing SK45);

The following comments apply to above three drawings.

The existing infrastructure includes a shared use path, with no buffer between the highway and footpath or treatment at side roads as well as posts on the shared use facility that limit usable width. This plan shows intended changes to the footway across the site frontage

along Green Street, from the northern perimeter footpath terminating part way along Green Street.

The proposed changes are considered to be an improvement on the existing situation, in so far as they provide treatment at side roads, affording pedestrians and cycling priority in accordance with LTN 1/20 Figure 10.15: Full set back, marked priority (bent-out) crossing. However, the overall approach is considered inadequate to deal with the proposed development and is not considered in compliance with LTN 1/20.

LTN 1/20 paragraph 6.5.6 states that shared use may be appropriate in some situations and goes on to set out the situations, e.g. places where there are few pedestrians, at and around junctions where cyclists will be moving at a slow speed.

Table 6-3 sets out recommended widths for cycle flows of up to 300 but is only appropriate to apply for situations previously described at 6.5.6. The applicant should therefore provide justification where shared use paths are provided as to how they meet the requirements set out in this section of LTN 1/20. While it may be that shared use is considered appropriate at some locations, the case for this should not purely rely on trip generation forecasts. This is particularly important given that these routes are likely to be used by those on the way to and from schools, and therefore there will be peaks where pedestrians and cyclists are likely to come into conflict.

A primary concern for ATE is the existing gradient on Green Street and the additional risk associated with pedestrian and cycle conflicts at speed, as well as the driveways this facility interacts with.

ATE would urge the applicant to provide a fully segregated cycle track on both sides of the highway between the northern perimeter footpath and the junction with Station Approach. The current approach requires cyclists to rejoin the carriageway at speed and represents an incoherent and incomplete network.

It is also queried whether a right turning lane into the site is entirely necessary. Its removal could allow for increased active travel width as well as reducing vehicle speeds.

· *Green Street north of service roads: parallel crossing (Drawing SK40);*

The introduction of a zebra and parallel cycle crossing is welcome. However, again there is a concern with the gradient and the position of this facility where cyclists will either be travelling at speed, see LTN 1/20 5.9.9, or needing to carry momentum cycling up Green Street. Thought could be given to providing this facility further up Green Street where the gradient plateaus. Between the two existing bus stops would facilitate those needing to cross Green Street to access either facility.

- · Green Street southern end: re-painting of zebra crossing (Drawing SK46);
- · Station Approach: re-painting of the zebra crossing (Drawing SK31);
- · Common Road: It is proposed to provide a tactile crossing point at the junction of Gilliat's Green with Common Road (Drawing SK47);
- · An additional 20 cycle parking spaces at the railway station;

The above interventions are supported, however it is of note that those shown on drawing SK31 associated with 24/0538/OUT to increase vehicle capacity are absent from this proposal, presumably because traffic flows are expected to be lower. Regardless, SK46 still fails to make significant improvements to this junction for active travel which are still considered necessary.

Also, of concern is the narrow single footway underneath the railway line which appears to provide the only access to Chorleywood District Centre from the site. Confirmation is sought

regarding compliance with Inclusive Mobility guidance, which requires footways to be a minimum of 2m in width.

- Widening of PROW 14 to a 3m wide bituminous macadam surfaced footway /cycleway (Drawing SK27B);
- A 3m wide footway /cycleway link from PROW 14 to the south-east of the site (Drawing SK27B);
- A 3m wide footway /cycleway link from the north-east of the site to Footway 11 (Drawing SK27B)

The principle of the above interventions are welcome, however detailed drawings would need to be assessed.

### **Placemaking:**

#### *External*

The development will be set back from Green Street behind existing vegetation. Whilst it is understood that proposals intend to reduce the visual impact on the landscape, the nature of the sites alignment and lack of active frontage is likely to encourage higher speeds, which appears to be the national speed limit. However, clarity is sought regarding whether this speed limit will be reduced as part of these proposals. Regardless, it is felt the site should create a frontage onto Green Street to help reduce speeds but also assist with passive surveillance, increase feelings of safety and encourage vulnerable road users to travel actively.

Fig. 4.66 - Illustrative primary street section of the DAS shows that the Primary Street will be a two lane carriageway with dedicated cycle lane, parallel parking, tree pits and pavements. The general approach is supported, and it is encouraging to see dedicated segregated cycle track on both sides of the highway. The proposed design however risks indiscriminate parking on the cycle tracks - see example.

To address this, M.2.i Walking and Cycling Route of National Model Design Code Part 2 Guidance Notes explains Cycles should be separated from vehicles where possible and includes a cross section of a recommended street typology. Figure 6.3: Cycle tracks with full kerb separation from carriageway of LTN 1/20 also provides guidance on this matter. To improve quality of place, a green buffer can be provided.

Whilst it is understood the submitted masterplan in 'illustrative', it is of note that the above cycle track are not shown on the Primary Street.

General pedestrian and cycle permeability within the site appears acceptable. ATE would encourage the applicant to consider the necessity of creating a vehicle 'loop' within the site and whether filtered permeability could be introduced to reduce vehicle speeds. See Natural connections - Building for a Healthy Life Page 15 – 17 for examples.

The central tertiary street running through the site could be considered as car free to create an active mode street connecting to Green Street.

It is unclear whether the existing footpath to the north will be accessible from the site and clarity is sought on this matter. In addition, whether the site will be accessible to pedestrians from the A404.

### **Cycle parking and trip-end facilities:**

Paragraph 2.7 of the Travel Plan explains that '*Vehicle and cycle parking provision will be in line with the guidance set out in the Supplementary Planning Guidance on Parking at New Developments (2002). It is not possible to calculate the required vehicle and cycle parking at this stage as the housing mix will be fixed at the reserved matters stage.*' Whilst this is welcome, given the age of this document it will be necessary to consider whether these accord with more recent standards within LTN 1/20.



**Travel planning:**

Table 5: Green Street East, Chorleywood – Travel to Work Mode Share Targets of the Travel Plan anticipates an interim mode share target of just 8% of journeys to be undertaken by foot and 1% by bike. Car journeys are expected to be 11% whilst 30% of journeys will be undertaken by rail and 45% of residents will work at home.

As discussed earlier, it is likely that many journeys to work by rail will involve either walking or cycling to the station and this should be considered in more detail. It is also unclear why 45% of people are anticipated to work from home if 2011 census data has been relied upon. There are also no targets for a 5 year travel plan monitoring period.

Regardless, the submitted Travel Plan and Transport Assessment should provide further detail on the level of active travel trips that are forecast to be generated. Details of the infrastructure to be provided and how its use will be embedded by the initiatives in the travel plan should be outlined. Details of actions to be taken if the targets are not met should be outlined and committed to with the intention for these to be secured, implemented, and monitored through the planning conditions / Section 106 obligations. The travel plans should be supported and funded for the whole of the development period / set time / until the targets are met and sustained for a set period.

**5.0 Next Steps**

It is requested that these recommendations are provided to the LPA case officer and forwarded to the agent and applicant. ATE would be content to review further submitted information to help address the above identified deficiencies, with a view to providing a further response and recommended wording for planning conditions and obligations.

**9.1.2 Affinity Water: [Comment received]****Water quality**

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

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

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

**Water efficiency**

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

standard suitable for drinking and will help in our efforts to get emissions down in the borough.

### **Infrastructure connections and diversions**

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

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

9.1.3 Buckinghamshire Council: [No comments received at time of drafting report]

9.1.4 Chilterns Conservation Board (Comments dated 14 May 2024): [Objection]

The Chilterns Conservation Board (CCB) previously raised objections to the history applications for 300/800 dwellings under TRDC reference 20/0882/OUT (800) and 20/0898/OUT (300). These applications were refused planning permission in March 2023.

The Chilterns Conservation Board is the statutory body set up by the government to work with local planning authorities and other stakeholders to promote the conservation, enhancement, understanding and enjoyment of the Chilterns National Landscape (formerly known as the Chilterns AONB). We do this by helping LPAs with their understanding of national planning policies relevant to the landscape, the Chilterns AONB Management Plan 2019-24 (now extended to 2025) and the LPAs' duty to further the purposes of the designation under s.85 of the CROW Act 2000'.

For ease of reference, we attach a note on the new LURA 2023 (Appendix One) and the CCB's previous objection regarding the history application (Appendix Two).

For this application, we are grateful for the opportunity to set out our objection in principle as:

- (1) The principle of development is not established.
- (2). There is clear harm to visual and landscape character, and the proposal undervalues or downplays this harm by 'cherry-picking' the special qualities relevant to its consideration.
- (3). There is a clear conflict with NPPF policy as a result of this harm, and the exceptional circumstances required to justify major development in the National Landscape, or the Green Belt have not been demonstrated.
- (4) The applicants have misunderstood the 'tilted balance' in relation to para 11 of the NPPF.
- (5) The reasoning behind the Council's previous refusal still applies. The principal change in circumstance is the 'duty to further' the conservation and enhancement of the AONB, as set out in the Levelling Up and Regeneration Act 2023. To grant permission for either of these proposals, even if the proposal is justified on planning policy grounds, the decision-maker will need to demonstrate how the duty to seek to further the purposes of conserving and enhancing the National Landscape would be met through granting permission. In our judgment, this cannot be demonstrated. The CCB has concluded that this proposal is harmful to the designation. The decision-maker then needs to think about whether granting planning permission would further the purposes of designation, and if not, what steps they would need to take in order to demonstrate that they have sought to further the designation and why those steps could not be followed in this case in order to grant permission. The

exceptions test in the NPPF at 183 also applies. A high bar is set. It would have to be established that no reasonable alternative outside of the AONB/National Landscape exists that could meet the housing need.

(i) **The principle of development is not established**, and these applications, with amendments over the 2023 proposals, do not address nor overcome the previous refusal and detailed officer commentary in the planning committee report of 23rd March 2023. On National Landscape (AONB) matters, the proposal runs contrary to the Local Plan at DM7(a) landscape character (Three Rivers Local Plan Development Management Policies 2013) and fails the 'exceptional development' test in the NPPF at paragraph 183. Such development within the AONB demonstrably harms the dry valley landscape character and its visual beauty to provide 'a clear reason for refusing the development proposed' as linked to the NPPF in footnote 7. In further explanation of this impact, the proposal harms the **special qualities** of the AONB as set out in the 2019-2024 Management Plan (a reference to intimate dip slope valleys, relative tranquillity, unspoilt countryside, and secret corners).

(ii) **The applicants do not apply the tilted balance correctly.**

The tilted balance applies where the policies most important for determining the application are out of date, including cases where the Council cannot demonstrate a five-year supply (NPPF paragraph 11 D).

The applicants seek to disapply paragraph 11(d) (i) stating in their supporting planning statement that 'policies relating to green belt, AONB and heritage assets do not provide a clear reason to refuse planning permission' (Savills supporting planning statement at 7.3). We rely on the judgment in **Monkhill Ltd v SoSCLG (2019)** to reinforce the point that this proposal clearly harms the special qualities of the National Landscape (AONB). In that judgment, a clear decision-making pathway was set out with a 15-stage analysis of the meaning and effect of the presumption in favour of sustainable development. In a briefing on this case by Town Law LLP (in their Town Library), a helpful summary states that 'Interpreted in this practical and straightforward way, the High Court concluded that the 1st part of para.172 NPPF was capable of being a "clear reason for refusal policy" falling within the "Footnote 6" list of policies in para.11(d)(i) of the revised NPPF. (Note: this is now the first part of para 182 and footnote 7.) (Please see <https://www.townlegal.com/townlibrary>).

What the High Court decided in Monkhill greatly assists the decision-maker. The decision maker must balance AONB harm (i.e. landscape character and visual impacts) against the countervailing benefits (in this case, housing, education, open space). The significance of the landscape harm is increased by the policy requirement in the first part of NPPF 182 to give 'great weight' to any AONB harm in the planning balance.

The applicants do not discuss the Monkhill case in their supporting planning statement. To assert that a clear reason for refusing the development proposal does not apply, as they do, is to misunderstand the 15-stage analysis as advised by the High Court. We note that this decision was upheld by the Court of Appeal. (legal reference as Monkhill Ltd v Secretary of State for Housing, Communities and Local Government [2019] EWHC 1993 (Admin) (24 July 2019).

(iii) The submitted Landscape and Visual Impact Assessment (LVIA) **downplays landscape and visual harm calibration**. Recent revisions to the legal protection of AONB landscapes in the LURA 2023, s245 represent a material change since the last refusal and reinforce this proposal's unacceptability. The 'duty to further' must be considered by the decision-maker, and it is the case here that the dry valley dip slope nationally protected landscape, set against the sylvan and verdant settlement edge of Chorleywood, would be dramatically eroded by the location of 300/675 dwellings. The applicant's verification of the zone of theoretical visibility (see submitted Design and Access statement in Figure 2.19) confirms a wide impact upon views from the surrounding AONB landscape. The dramatic hedgerow screen on the western (Green St) boundary reinforces this landscape character.

The hedgerow would be considerably eroded by 25m of access ingress/egress. The submitted papers (the Design and Access Statement) accept that views of the development would be possible from Green Street as this hedgerow, notwithstanding its dramatic presence, delivers only a partial screen during the winter months. The landscape judgments made in the Landscape and Visual Impact Assessment (ES chapter 13) downplay the calibration of harm, especially on the scale/size of landscape effects and the magnitude of effects on visual receptors and cumulative impact. For example, paragraph 13.6.29 states that, 'the only significant direct effects on landscape character would be within the site itself.....here the change of improved pasture field to an area of housing and associated open space would have a moderate direct adverse effect on the current rural land-use and character'.

Elsewhere, the calibrations report largely benign impacts, calibrating a 'minor' impact' on the dry valley landscape (13.6.33), a 'minor adverse' impact on visual receptors (13.6.41), and a

'minor—adverse' impact on landform (13.11.6). The impacts are far greater and harmful than those reported.

(iv) In **summary of this visual and landscape character harm**. These applications demonstrably erode the AONB, contrary to the Development Plan, National Policy, and the AONB Management Plan. This location is at an established and clear-cut division between the AONB and the settlement edge. In this case, that demarcation is the gentle dip slope of a dry valley landscape, set between the Rivers Colne and Chess, which is both striking and a constituent special quality of the AONB as stated in the AONB Management Plan at pages 10 and 11 (intimate dipslope valleys, relative tranquillity, unspoilt countryside, secret corners). The settlement is set back from the immediate southern boundary of the proposed sites and is denoted by a series of filtered views through well-established trees and some rear gardens. This edge of the 'Ruse in Sub-Urbe' (country in the suburb), sometimes called peri-urban, is open, green and verdant. In this case, a celebrated inter-war Metro-land settlement melds sympathetically into the Chilterns AONB that historically was promoted as the defining feature for this inter-war development pattern ('Metro-land is a country of hills and valleys, ridges and bottoms, with a few broad level plateaux' – page 37 of Metroland (1932, The Metropolitan Railway).

(v). **The special qualities in the AONB Management Plan**. This application site is within an AONB, a highly valued landscape and one highly susceptible to change. The applicants seek to 'cherry pick' the special qualities of the Chilterns by selecting a parcel of land that adjoins a sylvan and verdant boundary to the nearby settlement. Then, they seek to downplay the impact. Walking the PROW that links to the school, you appreciate the intimate dry valley and unspoilt landscape, exhibiting a surprising sense of remoteness (see AONB Management Plan Special Qualities, pages 10 & 11). The strong feature of the enclosing hedgerow is striking. This would be materially eroded by the proposed 25 m wide access point (see 13.11.9 of the LVIA-ES Ch 13) and via glimpsed views through it in the winter (a point confirmed in the D&A at its figure 2.33). Lighting will further erode the tranquillity of this landscape. Notwithstanding the best efforts of the submitted lighting study, it does not, by its own admission, deal with adopted street/highway lighting. That alone will be highly intrusive. Lighting will be evident in the surrounding countryside.

Reference is made to the current application at the golf club (Buckinghamshire Chiltern area reference PL/20/0429/FA for Amendments to extant planning permissions CH/2010/0133/VRC and CH/2003/1758/FA as allowed on appeal, Inspectorate's reference APP/X0415/A/03/1133807 and CH/2017/2292/FA to allow for the recontouring of part of the original application site to include a golf driving range/practice area and green plateau for use as football playing pitches, including one full size football pitch with eight 15m high flood lighting columns. Erection of a temporary clubhouse to serve football club for a period of 5 years (pending implementation of the main clubhouse) and associated access, landscaping and parking. The Chilterns Conservation Board raised objections to this application, seeking revisions, due to its intrusive design and associated lighting, which were both

inappropriate and harmful to this location. In Jan/Feb 2023 amendments were submitted to (1) Remove 25 lattice steel towers and associated protective netting, (2) Remove floodlights associated with the proposed driving range, (3) Removed driving range building and (4). Submitted various updates to proposed landscape and ecological features.

Only one football pitch is proposed for illumination, and this application has not yet been determined.

(vi) When applying the **planning balance**, ‘great weight’ must be given to the conservation and enhancement of the AONB. Instead, harm follows to landscape character and visual integrity. These applications must be assessed against two fundamental legal tests as applied to the Development Plan (s38(6) of the 1990 Act) and the ‘duty to further’ the AONB (s85 CROW 2000, amended by s245 of LURA 2023). The benefits associated with housing delivery, including affordable housing and educational facilities, are significantly outweighed by the failure to satisfy policy and legal tests that protect this National Landscape (AONB). Local Plan Development Management Framework policy DM7(a) is not delivered. This is a landscape policy and not a housing policy. It is linked to the ‘great weight’ point in the NPPF 182 and DM7(a) should also be followed, consistent with the legal principle established by s38(6) of the 1990 Act. This policy, therefore, sits outside the tilted balance and should be given full weight.

The LVIA discusses an ‘inherent design mitigation’ (13.5). This cannot disguise the fact that a significant limb or, indeed, block of development extends well into the AONB, which is widely visible and discordant with the landscape character and would replace a dry valley dip slope and sylvan landscape to the detriment of the Chilterns National Landscape. The applicant’s assertion that this is only 0.015% of the AONB is meaningless (supporting planning statement 7.38). We are familiar with this argument, and it was used in a recent Secretary of State recovered appeal (land East of Tring PINS 3309923, 15th March 2024, at Inspectors Report IR 100). It made no progress in the planning balance when the appointed Inspector and the Secretary of State reported it.

**Recommendation to the LPA:** Refuse planning permission based upon (for AONB reasons)

- Harm to the character and visual beauty of the Chilterns National Landscape's dry valley dip slope landscape (AONB), a constituent of the defined special qualities. This harm comprises both visual harm and landscape character harm.
- Failure to deliver the Development Plan, NPPF (including exceptional development criteria) and AONB Management Plan policy, especially DP1 and DP2.
- Failure to deliver the duty to ‘further the purpose’ as now included in the updated s85 of CROW 2000 (amended by s245 of LURA, in operation since 26th December 2024).

#### 9.1.5 Chorleywood Parish Council (received May 2024): [Objection]

Following a public meeting held at the War Memorial Hall on 02 May 2024, where public views on the application were heard, at an Extraordinary Parish Planning Committee meeting held on 07 May 2024 the Committee resolved to object to the application being considered at Land East of Green Street under ref: 24/0538/OUT on various grounds and to call the applications in to be decided by Three Rivers District Council’s Planning Committee. The contents of this objection were subsequently approved for submission to Three Rivers District Council at a further Extraordinary Planning Committee held on 14 May 2024. The Planning Committee has delegated powers to submit comments on Parish related planning applications on behalf of the Parish Council.

Whilst the detailed considerations are set out on the following pages, the principal concerns raised by the Parish Council are as follows:

- The application is inappropriate development in the Green Belt and the Chilterns National Landscape.
- The proposal would result in detrimental harm to the rural character and the historic setting of Chorleywood Common Conservation Area.
- Failure to align with the policies within the Three Rivers Local Plan and the Chorleywood Neighbourhood Development Plan.
- The impact on species protected by Wildlife and Countryside Act 1981.
- The Traffic Assessment does not fully consider the impact on all of the roads around Chorleywood, many of which are single track country lanes which are highly sensitive to increased traffic volumes.
- The Traffic Assessment does not include the impact of previously approved major planning applications in the area and does not include the traffic movements generated by the linked planning applications to Buckinghamshire Council for new golf and football clubs.
- The Traffic Assessment also does not properly consider the limitations imposed on the local road network by the nature of the junction between Green Street, Station Approach and Shire Lane, along with the very narrow road and pavement under the railway immediately adjacent to the junction.
- That the benefits suggested by the provision of the golf and football clubs are not within Chorleywood Parish, Three Rivers District or Hertfordshire, are not guaranteed and, as both are private clubs, are not truly “public” benefits.

### **Green Belt:**

Both developments are in the London Green Belt. The National Planning Policy Framework (NPPF) states in paragraph 142 that “*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*” It then supports this by saying in paragraph 152 that “*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*”

From the definitions provided, the development amounts to inappropriate development. These points are also clearly supported by the current Three Rivers Local Plan (CP11). In an independent Green Belt review commissioned by Three Rivers District Council as part of the development of the new Local Plan, the Green Street site was categorised as having a “Moderate High” level of harm to the Green Belt if it was released for development. This is above the threshold agreed by the District Council, as Local Planning Authority, for the release of Green Belt for housing in the new (draft) Local Plan. As such, development of this site would also be in conflict with the new emerging Development Plan.

### **Chiltern National Landscape**

The NPPF is clear that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty (now called National Landscapes), which have the highest status of protection in relation to these issues. The NPPF requires development within a National Landscape to be limited in scale and extent; major developments are to be refused in the absence of exceptional circumstances and sufficient public interest.

The harm this development will cause to the landscape character and visual amenity is decisive. The adverse impacts of the proposed development have not been fully considered.

In our view this is a major development in the National Landscape and no exceptional circumstances exist to allow this development. The delivery of housing in this specific location is not an exceptional circumstance.

## **Historic Environment**

The proposed development would give rise to significant detriment to the landscape setting of Chorleywood, this in turn would result in a significant harmful change to the setting of the Chorleywood Common Conservation Area, thereby harming the significance of this heritage asset. This overlap arises largely as a result of the form and character of the village, and the importance of landscape in defining its setting, as detailed in the Conservation Area Appraisal (CAA).

The CAA states that the overwhelming character of the Chorleywood Common Conservation Area is rural, centering around an open common, with core buildings on the fringes dating from the Medieval to Edwardian and Victorian periods. The village has a strong and tangible connection with the past and this is fundamental to the village's historic character.

With elevated positions throughout the village, including both the Chorleywood Common Conservation Area and Chorleywood Station Estate Conservation Area, there are a number of spectacular views that can be gained from various vantage points throughout the village. Its rural setting marks a distinctive characteristic of the village and one which it is stated to be important to maintain.

Trees, vegetation and open space are noted in the Chorleywood Common CAA as playing a fundamental role in establishing the character of the village and reinforcing its visual connection to the surrounding rural landscape.

Moreover, Chorleywood is unusual, as the openness of Chorleywood Common allows the landscape to the north and north-west to extend right into the heart of the village, with this lack of clear definition between rural and built space being a key element of the village's character.

The NPPF states great weight should be given to the conservation of a designated heritage asset and the setting of Chorleywood Common Conservation Area will be harmed by development within its setting. This is also in breach of Three Rivers Development Plan (DM3 of the current Three Rivers Local Plan and Policy 1 of the Chorleywood Neighbourhood Plan).

The open nature of the application site, with trees around its boundaries, means any development of it will be seen quite clearly from many locations within Chorleywood Common Conservation Area. This open nature and appearance is heightened during the winter months, when many of the trees' leaves will have fallen.

The proposal would result in an urbanising effect on Chorleywood Common Conservation Area. The proposal would result in a clear change to the currently open nature of the site. The degree of harm to the heritage asset would be less than substantial, in the terms set out in the NPPF. The proposal would also fail to either preserve or enhance the character or appearance of the conservation area clearly contrary to the development plan and the NPPF.

## **Archaeology**

Owing to the nature of the existing site and the scale and extent of the proposal, the proposal will entail re-modelling and re-profiling which would have a harmful impact on archaeological remains. An archaeological investigation, including geophysical surveys, suggested that there were potentially significant archaeological findings within the site area. Trial trenching would help to fully explain the findings. The proposal should explain the significance of archaeological features before permission is granted so as to allow consideration of whether exceptional circumstances could be demonstrated, or to assess the public benefits of any proposal against any harm to the historic asset. Without the trial

trenching, the proposal fails to allow for the understanding of any potential impact on the significance of any remains at the site, contrary to the overall aims of the NPPF in seeking to conserve and enhance the historic environment.

### **Natural Environment - Ecology**

The applicant contends that a net gain in biodiversity, in excess of the 10% level required under the Environment Act, will be delivered by the development. However, for the Habitat measure this will be achieved by off-site measures funded through a S106 agreement, with the on-site measures showing a 40% reduction in habitat biodiversity.

In all the analysis undertaken, no consideration has been given to ground nesting birds such as Skylarks (*Alauda Arvensis*) which have been observed on the site. In the mitigations planned there is no provision for these ground nesting birds and, considering the nature of the development, there is no obvious on-site mitigation that can be put in place on site. This is of particular concern as the Skylark appears on the RSPB's Red List for endangered UK bird species and therefore is protected under the Wildlife and Countryside Act 1981. With the specific needs of these birds, it is not easy to see how off-site measures can replace the loss of this valuable habitat.

In its previous application, the applicant's own Bat Survey identified the presence of Barbastelle bats (*Barbastella barbastellus*) on the site. Barbastelle bats are incredibly rare. They are protected under the Wildlife and Countryside Act 1981 and are also listed as Near Threatened globally on the IUCN Red List. There are thought to be as few as 5,000 in the UK. Whilst there were only three passes recorded, considering the extremely endangered nature of this bat, great weight should be given to avoiding any possible impact on them.

The applicant's Environmental Statement and accompanying ecological survey report are incomplete in their consideration of populations of Great Crested Newt (*Triturus cristatus*). In particular, they do not consider populations on properties bordering the site. If this had been conducted, the applicant would have been able to identify a material population within 15 metres of the site boundary. As with the Skylark and Barbastelle bat, Great Crested Newts are protected under the Wildlife and Countryside Act 1981.

### **Traffic & Transport**

The roads providing access to Chorleywood are not up to the standard of town roads. Many are country lanes that are already having to cope with considerable stress, particularly at access points and junctions during peak hours.

The Traffic Assessment provided by the developers covers the impact on Green Street, the A404 to the M25 and Shire Lane. The Geographical Study Area shown in the Environmental Statement includes Shire Lane, Heronsgate Road and Long Lane to J17 of the M25. However, none of the data provided about traffic impacts refer to the last two of these roads or the junction with the M25. The nature of these roads (effectively single track with passing places) means that any increase in traffic can have significant adverse impacts. As such, modelling of the traffic impacts on these roads is required.

Despite previous requests, the Traffic Assessment does not extend to other exits from the village which are largely single lane country roads with passing places. Nor does it consider the cumulative impact on the A404 beyond the M25, which already suffers from significant queues.

The Traffic Assessment has taken no regard of the narrow bridge under the railway at the junction of Green Street, Station Approach and Shire Lane and, in particular, the combination of narrow road and pavement present there.

Station Approach is the much used through road which provides access onto Shire Lane into Chorleywood centre. The access is under a railway bridge tunnel which is already a



substandard width and does not meet road spacing requirements. There is poor forward visibility and only a 1m footway on side of the tunnel. This is already a very dangerous access and is one of only two crossing between the east and west side of Chorleywood, the other crossing being a narrow crossing over the railway accessed by a narrow road through the Common. This is a significant concern as additional volume of trips by vehicles or pedestrians and cyclist could be dangerous.

An independent assessment previously undertaken on behalf of the Council raised significant concerns over this. Technical consultants are being appointed to refresh this assessment and therefore we reserve the right to submit further information to support the Parish Council's objections on highways grounds, once this is received.

The proposal does not appear to have taken into account other major developments in the vicinity of the site, both approved (such as the development of 500 new dwellings between Lodge Lane and Burtons Lane in Little Chalfont) and projected developments linked this application (such as the development of new golf and football clubhouses linked to this development but covered under separate planning applications). Therefore, the traffic modelling appears to be flawed in the context of the extreme sensitivity of the local highway network and requires amending to take account of the cumulative impact of these applications.

Parking within the village is already difficult at most times of the day. Despite the applicant contending that residents of the new dwellings will be able to walk or cycle to local facilities, due to the topography of the road between the village centre and the new dwellings, many of the residents will need to drive, which will only further exacerbate parking issues in the village.

### **Schooling**

#### **Primary Schooling.**

According to the applicant's Environmental Statement, the development of 300 dwellings is estimated to result in 93 new primary school students, with currently only 11 spare school places available within the "Walkable Impact Area".

The developer is proposing to fund the shortfall in school places through a s106 agreement with the council, though the standard formula may not provide full funding and it is hard to see how existing schools could cope with the increase in students.

#### **Secondary Schooling**

According to the applicant's Environmental Statement, the development of 300 dwellings is estimated to result in 59 new secondary school students, with currently 64 spare places with the "Walkable Impact Area". However, it should be noted that all of these spare secondary school places are at the Reach Free School and it is not possible to walk to the Reach Free School from Chorleywood village nor is there any practicable public transport. This provides significant concerns as to whether the additional pupils can be accommodated without an increase in traffic which has not been accounted for in the Traffic Assessment. Travelling by car to the Reach Free School from Chorleywood is likely to be achieved using Long Lane or Shepherd's Lane both of which are single track country lanes which already struggle, at times, to cope with existing traffic levels. As such, considering this within the Traffic Assessment is vital.

### **Community Facilities**

The application is supported by a new park and play area.

In addition, the developer is proposing to provide Chorleywood Common Youth Football Club with new football pitches and a new club house to the west of Green Street subsidised by the housing development. It should be noted, however, that there is no approved Planning Application for this and it is possible that Planning Permission may not be granted.

The site for the football pitches and a clubhouse does not fall within Three Rivers District but will be decided by Buckinghamshire Council. As such there is no certainty that this will be deliverable and should not be considered as a benefit of the development without full Planning Permission being in place and the funding secured for its development.

The development is not well connected to existing services e.g. shops, transport, etc., which are up to 0.5 miles away down a steep hill with narrow pavements at points (in particular through the bridge under the railway). Accessibility to these services e.g. doctors and shops will be very difficult for someone with limited mobility or young children, resulting in a high reliance on private vehicles to meet their needs. No provision has been made within the development for shops or medical services.

The Parish Council reserve the right to make further representations on this matter following a comprehensive review of its socio-economic impact, with particular attention to the impact on existing local infrastructure.

### **Health Impact Assessment**

The submission fails to provide an appropriate Health Impact Assessment that properly accounts for the impact of development in line with National Guidelines. The application cannot proceed to a determination without a fully considered Health Impact Assessment being submitted. The Health Impact Assessment must include a detailed assessment of the air quality impact of this development.

### **Energy and Sustainability**

The Energy and Sustainability statement is generic and fails to provide any firm commitments setting out how this proposal would realistically provide measure within the development that would help towards achieving net zero targets. The application cannot be determined until the developer provides clarity regarding the sustainability measures that will be used on site and without this a determination of the application is premature.

### **Sewage and Waste Water**

Thames Water made clear with the previous applications that the current sewage / waste-water network has significant capacity constraints. Without upgrades, which could take up to three years to deliver, the current network has capacity for only 60 new dwellings at most.

As the main sewer apparently goes along the back of Lower Road, such an upgrade is likely to cause significant disruption to the village centre and may not be feasible in the timelines proposed, particularly considering the financial difficulties being experienced by Thames Water.

### **Density of Dwellings**

The proposal is for a density of 30 dwellings per hectare. This is above the current density in Chorleywood of about 18 dwellings per hectare. Paragraph 130 of the NPPF states that "*significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area*". We would contend that the proposed uplift of 66% on the current density would be wholly out of character with the existing area and, as such, the suggested level of housing is inappropriate under the NPPF.

#### 9.1.6 Chorleywood Residents Association (May 2024): [Comment received]

As part of our work on behalf of local residents, we have undertaken an analysis of the two applications to develop residential property on the fields to the east of Green Street between Orchard Drive and St Clement Danes. In doing this we have used the information provided in the various documents submitted by the developers along with local knowledge and publicly available statistical data for the area.

The analysis considers key planning matters as dictated by the government's planning rules (the National Planning Policy Framework or NPPF) and the district council's planning rules (the current Local Plan). Whilst residents can submit any comments they wish on the applications, decisions made by the council can only be made on valid planning grounds as laid down in these documents.

It should be noted that the applications are in outline only with all matters other than the access being reserved until further detailed applications are submitted. This means that only the size of the site, the maximum number of dwellings and the access routes is fixed by this application with all other elements of the design only becoming fixed in later applications. This application is about agreement in principle to develop. That said, the outline should provide an indication as to what the design of the development might look like and what its impacts on the area may be.

The consultation period is scheduled to run to the 13<sup>th</sup> May.

The applications will be considered by the Parish Council at an Extraordinary Planning Meeting on the 7<sup>th</sup> May, following the Annual Parish Meeting. Prior to this, the Parish Council is holding a public meeting in the War Memorial Hall on 2<sup>nd</sup> May starting at 7:30 to help the Council to formulate its response to the applications. The Parish Council cannot decide the application, this can only be done by Three Rivers District Council (TRDC), but they will make observations and comments that must be considered by TRDC in making the decision. This includes requiring the application to be decided in public by the full TRDC Planning Committee. The precise timing of the decision by TRDC, including its presentation to their Planning Committee, is uncertain at this time but will probably not happen before July. As more information becomes available, we will update residents through our newsletters.

### **Summary of Analysis of Applications**

- Both developments are in Green Belt and would be considered "inappropriate development" so can only be only allowed in "very special circumstances". The developers contend that these exist under the "presumption in favour of sustainable development" due to the shortage of new housing stock across Three Rivers but this is not an area of certainty. In the past. there are cases where development has been allowed in these circumstances but there are also many cases where such development has been refused.
- Both developments are in the Chiltern National Landscape (previously known as Area of Outstanding Natural Beauty). Planning rules state that in such areas major development is prohibited except in "exceptional circumstances". The developers contend that these exist under the "presumption in favour of sustainable development" due to the shortage of new housing stock across Three Rivers but this is not an area of certainty. In the past. there are cases where development has been allowed in these circumstances but there are also many cases where such development has been refused
- Both developments are adjacent to the Common Conservation Area. By virtue of extending further up the hill, the development of 675 dwellings would be likely to have a significantly greater impact on views from the conservation area than would the 300 dwellings, which is limited to the lower part of the site and partially obstructed from view on the Common by trees.
- The site is on a two-lane road with pavements and of sufficient width to allow for cars and cyclists to pass each other safely. The site is within 1km of public transport, primary & secondary schools, shops and GP's which is broadly in line with Three Rivers criteria for accessibility and sustainability.
- The development of 675 dwellings could cause delays of around 2 minutes at the Green Street / A404 junction based upon the developer's modelling. The basis of the modelling and the outcomes need testing by the relevant Highways Authorities to confirm their relevance and accuracy.

- No assessment has been undertaken on the impact of the development on the exits from Chorleywood other than the A404. These are mainly single-track country lanes susceptible to gridlocking.
- The development of 675 dwellings is expected to result in 220 new primary school students and 147 new secondary school students whilst 300 dwellings would result in 93 new primary school students and 59 new secondary school students. There are currently 11 spare primary school places and 64 secondary school places in the local area, though all of the latter are at the Reach Free School which is difficult to reach from Chorleywood by either public transport or walking. The developer proposes that, for the development of 675 homes, it will deliver a two form primary school on the site and suggests that they would make a contribution to fund additional secondary school places.
- The development would require 0.7FTE of a GP for 675 dwellings or 0.2FTE of a GP for 300 dwellings.
- Both applications include the provision of a new park area and children's play area in proximity to the centre of the village.
- The developments provide a mix of smaller housing suitable for first time buyers and downsizers along with larger family houses. Between 45% and 50% of the housing is proposed to be Affordable. In this context Affordable housing can socially rented or for market sale (in which case the price must be at least 20% below market prices or on a shared ownership basis). It must be noted that it is not unknown for developers to seek to reduce the level of Affordable Housing provided after application approval on the grounds that changing circumstances have impacted the viability of the delivery. We are not suggesting that this will occur here, but residents should be aware that it does sometimes occur.
- The site is in an area of low flood risk (Flood Risk 1) with surface water issues being mitigated through a variety of means. The effectiveness of these mitigations need reviewing by the Lead Local Flood Authority (Hertfordshire County Council).
- 300 dwellings would increase the number of houses in Chorleywood village roughly in line with the expected population growth for the area over the next 15 years (11%) whereas 675 dwellings would significantly exceed this. However, it must be noted that the draft Local Plan also proposes other development sites in the Parish which, in combination with even the 300 dwellings, is likely to significantly exceed local need.

## Detailed Analysis

Impact Area	Application 24/0538/OUT 675 Dwellings	Application 24/0476/OUT 300 Dwellings
Green Belt	<p>Both developments are in the London Green Belt. The National Planning Policy Framework (NPPF) states in paragraph 142 that “The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.” It then supports this by saying in paragraph 152 that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” From the definitions provided, both of these developments amount to inappropriate development. These points are also clearly supported by the current Three Rivers Local Plan (CP11).</p> <p>It should be noted that, in the most recent update to the NPPF, the Government made it clear that Green Belt boundaries should only be amended in the process of updating the Local Plan and that there is no requirement of Councils to review Green Belt boundaries. (NPPF Paragraph 145 “Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process.”)</p> <p>In an independent Green Belt review commissioned by Three Rivers District Council as part of the development the new Local Plan, the Green Street site was categorised as having a “Moderate High” level of harm to the Green Belt if it was released for development. This is above the threshold agreed by the Council for the release of Green Belt for housing in the new Local Plan.</p> <p>The developers argue that “very special circumstances” exists to allow building in Green Belt by virtue of the fact that Three Rivers does not currently have a plan to deliver the level of new housing in the area calculated using the Standard Method. In the past, there are cases where development has been allowed in these circumstances but there are also many cases where such development has been declined.</p> <p>Whilst not identical, probably the most relevant recent case is the Secretary of State’s recent decision in Planning Appeal APP/A1910/W/22/3309923 - development of 1,400 homes on the edge of Tring. In this case, the Secretary of State intervened to support Dacorum Council’s decision to refuse the application, principally based on harm to the Green Belt. This was despite the fact that, like Three Rivers, Dacorum Council does not have plans in place to deliver the level of new housing in the area calculated using the Standard Method.</p>	
Natural Environment (Chilterns National Landscape)	<p>Both developments are within the Chilterns National Landscape (previously known as the Chilterns Area of Outstanding Natural Beauty). The NPPF states that “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues” and this is supported by the current Three Rivers Local Plan. This does not completely prohibit development in such areas, but the NPPF does say that development should only be allowed in “exceptional circumstances”.</p> <p>The developers argue that “exceptional circumstances” do exist by virtue of the fact that Three Rivers does not currently have a plan to deliver the required level of new housing in the area. For the application 24/0476/OUT (675 dwellings), the developers contend that the proposal for a new primary school also justifies development in the sensitive site. However, it is hard to see how this argument stands up to examination as, without the new development, there is sufficient capacity at the primary level in the area and therefore no need for a new school. There are cases where development has been allowed in these circumstances but there are also many cases where such development has been declined. We are not aware of any truly identical cases to the current one from which to clearly understand what any Appeal decision on this may be.</p>	

Impact Area	Application 24/0538/OUT 675 Dwellings	Application 24/0476/OUT 300 Dwellings
Natural Environment (Ecology)	<p>In the Ecology Chapter of the Environmental Statement, the developer contends that “there are no negative likely significant effects on ecology associated with the proposals. General measures such as retention and enhancement of boundary hedgerows and trees; retention of green space in the south of the Site and creation of two ponds; protection of key habitats used by great crested newt and nesting birds; protection of legally protected species; retention of existing dark corridors around the Site; and implementation of appropriate monitoring have all informed the ecology strategy and assessment.”</p> <p>The applicant contends that a net gain in biodiversity, in excess of the 10% level required under the Environment Act, will be delivered by the development. However, for the Habitat measure this will be achieved by off-site measures funded through a S106 agreement, with the on-site measures showing a 40% reduction in habitat biodiversity.</p> <p>In all the analysis undertaken, no consideration has been given to ground nesting birds such as Skylarks (<i>Alauda Arvensis</i>) which have been observed on the site. In the mitigations planned there is no provision for these ground nesting birds and, considering the nature of the development, there is no obvious on-site mitigation that can be put in place on site. This is of particular concern as the Skylark appears on the RSPB’s Red List for endangered UK bird species and therefore is protected under the Wildlife and Countryside Act 1981. With the specific needs of these birds, it is not easy to see how off-site measures can replace the loss of this valuable habitat.</p>	

<p>Historic Environment</p>	<p>The development is adjacent to the Chorleywood Common Conservation Area and a group of four Grade II listed buildings forming the historic core of the Great Greenstreet Farm. The NPPF states that “when considering the impact of a proposed development .... great weight should be given to the asset’s conservation“ and this is supported by the current Three Rivers Local Plan. When considering the impact on the conservation area and the listed buildings, not only development in the heritage area must be considered but also its impact on the setting of the heritage assets and views into and out of the conservation area should be considered.</p> <p>The site is visible from the conservation area, including from the Common itself. By the development covering the whole field, including the higher elevations at the northern end of the field, it will be clearly visible from the Common. As the Common Conservation Area is characterised by its “open rural nature” this will clearly harm the views from the conservation area as well as its setting. The developer recognises that the development will harm the conservation area but have stated that, in their expert’s opinion, the impact is “Medium”, causing “less than significant harm”. This is clearly a judgement issue. Being so obviously visible from the Common and with the defined importance to the area of its “open rural nature”, many will feel that the harm is likely to be more significant than this. However, the developer’s assessment is broadly in line with the assessment of the Conservation Officer for the previous application covering this area. When considering the Grade II listed buildings at Great Greenstreet Farm, as the immediate setting to the buildings is unchanged it is likely development would be considered as not harming the heritage asset if appropriate landscaping to applied to the site.</p> <p>The overall negative impact on heritage assets does not preclude development but would mean that the developers have to be able to demonstrate substantial public benefits to overcome this.</p>	<p>The development is adjacent to the Chorleywood Common Conservation Area and a group of four Grade II listed buildings forming the historic core of the Great Greenstreet Farm. The NPPF states that “when considering the impact of a proposed development .... great weight should be given to the asset’s conservation“ and this is supported by the current Three Rivers Local Plan. When considering the impact on the conservation area and the listed buildings, not only development in the heritage area must be considered but also its impact on the setting of the heritage assets and views into and out of the conservation area.</p> <p>The site is visible from the Conservation Area, including from the Common itself but, by virtue of being limited to the lower area of the site, the development will be concealed somewhat from view from on the Common by trees in the area. However, there will undoubtedly be an impact of light pollution on the Conservation Area. The developer recognises that the development will harm the conservation area but have stated that, in their expert’s opinion, the impact “Medium”, causing “less than significant harm”. The developer’s assessment is actually of a higher level of harm than that expressed by the Conservation Officer when considering the previous application. At that time, the Conservation Officer’s assessment was that the harm would be of a low to medium rating. This is clearly a judgement issue, but with the development being lower and the shielding of trees this may be reasonable. When considering the Grade II listed buildings at Great Greenstreet Farm, as the immediate setting to the buildings is unchanged it is likely development would be considered as not harming the heritage asset if appropriate landscaping to applied to the site.</p> <p>The overall negative impact on heritage assets does not preclude development but would mean that the developers have to be able to demonstrate sufficient public benefits to overcome this.</p>
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Impact Area	Application 24/0538/OUT 675 Dwellings	Application 24/0476/OUT 300 Dwellings
Traffic & Transport	<p>The site is on a two-lane road with pavements and of sufficient width to allow for cars and cyclists to pass each other safely. The site is within 1km of public transport, primary &amp; secondary schools, shops and GP's which is broadly in line with Three Rivers criteria for these.</p> <p>The traffic assessment provided by the developers covers the impact on Green Street, the A404 to the M25 and Shire Lane. Despite requests, it does not extend to other exits from the village which are largely single lane country roads with passing places. Nor does it consider the cumulative impact on the A404 beyond the M25, which already suffers from significant queues.</p> <p>The traffic assessment is based on "peak" periods of between 07:15 to 08:15 and 16:15 to 17:15. Consideration should be given as to whether this will continue to be valid once a new primary school is opened, particularly in combination with traffic to St Clement Danes school.</p> <p>The traffic assessment identifies increased delays of about 2 minutes at the Green Street / A404 junction due to the additional traffic from the new houses. This is significantly (80%) below the estimates from the previous application – this needs to be checked by the relevant Highways Authority in reviewing the modelling.</p> <p>The Geographical Study Area shown in the Environmental Statement includes Shire Lane, Heronsgate Road and Long Lane to J17 of the M25. However, none of the data provided about traffic impacts refer to the last two of these roads or the junction with the M25. The nature of these roads (effectively single track with passing places) means that any increase in traffic can have significant adverse impacts. As such, modelling of the traffic impacts on these roads is required.</p> <p>The Traffic Assessment has taken no regard of the narrow bridge under the railway at the junction of Green Street, Station Approach and Shire Lane and, in particular, the combination of narrow road and pavement present there. An independent assessment undertaken on behalf of the Chorleywood Parish Council raised significant concerns over this.</p>	<p>The site is on a two-lane road with pavements and of sufficient width to allow for cars and cyclists to pass each other safely. The site is within 1km of public transport, primary &amp; secondary schools, shops and GP's which is broadly in line with Three Rivers criteria for these.</p> <p>The traffic assessment provided by the developers covers the impact on Green Street, the A404 to the M25 and Shire Lane. Despite requests, it does not extend to other exits from the village which are largely single lane country roads with passing places. Nor does it consider the cumulative impact on the A404 beyond the M25 which already suffers from significant queues.</p> <p>The traffic assessment identifies increased delays of up to 1 minutes at local road junctions due to the additional traffic from the new houses.</p> <p>The Geographical Study Area shown in the Environmental Statement includes Shire Lane, Heronsgate Road and Long Lane to J17 of the M25. None of the data provided about traffic impacts refer to the last two of these roads or the junction with the M25. The nature of the last two of these roads (effectively single track with passing places) means that any increase in traffic can have significant adverse impacts. As such, modelling of the traffic impacts on these roads is required.</p>



Impact Area	Application 24/0538/OUT 675 Dwellings	Application 24/0476/OUT 300 Dwellings
Schooling	<p>According to the applicant's Environmental Statement, the development of 675 dwellings is estimated to result in 220 new primary school students and 147 new secondary school students.</p> <p>From the Environmental Statement, there are currently 25 spare primary school places within a "Walkable Impact Area". However, this is measured purely by reference to straight-line distance (2 miles) from the site and takes no account of the actual ability to walk between the site and school. One of the schools listed is Sarratt Church of England Primary School which is at the extreme limit of the area and to which there is no credible safe walking route for primary school children. As this school provides 14 of the spare primary places, this would mean that the true spare primary school places is 11.</p> <p>The developer proposes including a new 2 form primary school on the development site. This will provide up to 400 new primary school places.</p> <p>According to the developers Environmental Statement, there are 64 spare places at secondary school within 3 miles. However, all of these places are at the Reach Free School which is difficult to reach from Chorleywood other than by car.</p> <p>To accommodate 147 new secondary school students would require a new form stream to be added to a local secondary school. The developer is proposing to fund this through a s106 agreement with the council, though the standard formula may not provide full funding.</p>	<p>According to the applicant's Environmental Statement, the development of 300 dwellings is estimated to result in 93 new primary school students and 59 new secondary school students.</p> <p>From the Environmental Statement, there are currently 11 spare primary school places and 64 spare places at secondary school within a "Walkable Impact Area". However, it should be noted that all of these spare secondary school places are at the Reach Free School.</p> <p>To accommodate this number of students would require a new stream to be added to an existing primary school.</p> <p>For secondary schooling, there are potentially sufficient spare places at the Reach Free School. However, it is not possible to walk to the Reach School from Chorleywood village nor is there any practicable public transport.</p> <p>The developer is proposing to fund the shortfall in school places through a s106 agreement with the council, though the standard formula may not provide full funding.</p>
Healthcare	<p>According to the applicant's Environmental Statement, approximately an additional 70% (0.7FTE) of a GP would be required to service the additional residents from the development. This is based on current capacity in combination with patient to GP ratios from the local CCG.</p> <p>The developer is proposing to fund this through a s106 agreement with the council.</p>	<p>According to the applicant's Environmental Statement, approximately an additional 20% (0.2 FTE) of a GP would be required to service the additional residents from the development. This is based on current capacity in combination with patient to GP ratios from the local CCG.</p> <p>The developer is proposing to fund this through a s106 agreement with the council.</p>

Impact Area	Application 24/0538/OUT 675 Dwellings	Application 24/0476/OUT 300 Dwellings
Community Facilities	<p>The development would not remove any existing facilities and would provide additional facilities in the form of a park and children's play area within walking distance of the village centre.</p> <p>In addition, the developer is proposing to provide Chorleywood Common Youth Football Club with new football pitches and a new club house to the west of Green Street subsidised by the housing development. It should be noted, however, that there is no approved planning application for this and it is possible that Planning Permission may not be granted. The site for the football pitches and clubhouse does not fall within Three Rivers but will be decided by Buckinghamshire Council.</p> <p>It is also proposed that Chorleywood Golf Club would be granted a lease to use the golf course that already exists to the west of Green Street.</p>	
Affordable Housing Provision	<p>It is proposed that up to 50% of the housing (338 dwellings) provided by the development would be Affordable. This level is in excess of the requirement of the current Three Rivers Local Plan but will not be finalised until the Full Applications as part of an agreement with the council, called a S106 agreement.</p> <p>The form of the Affordable Housing (for sale or socially rented) will be agreed as part of the agreement with the Council. In the documentation provided with this application a tenure split of 25% First Homes, 70% Social Rent and 5% Intermediate is proposed.</p> <p>It must be noted that it is not unknown for developers to seek to reduce the level of Affordable Housing provided after application approval on the grounds that changing circumstances have impacted the viability of the delivery. We are not suggesting that this will occur here, but residents should be aware that it does sometimes occur.</p>	<p>It is proposed that up to 45% of the housing (135 dwellings) provided by the development would be Affordable. This level is in line with the requirement of the current Three Rivers Local Plan but will not be finalised until the Full Application as part of an agreement with the council, called a S106 agreement.</p> <p>The form of the Affordable Housing (for sale or socially rented) will be agreed as part of the agreement with the Council. In the documentation provided with this application a tenure split of 25% First Homes, 70% Social Rent and 5% Intermediate is proposed.</p> <p>It must be noted that it is not unknown for developers to seek to reduce the level of Affordable Housing provided after application approval on the grounds that changing circumstances have impacted the viability of the delivery. We are not suggesting that this will occur here, but residents should be aware that it does sometimes occur.</p>
Flooding	<p>The site is defined as being Flood Risk 1 (the lowest level of flood risk) but there is a recorded risk of surface water flooding to the southeast of the site. The developer proposes mitigation to the increased risk by development. The Lead Local Flood Authority (Hertfordshire County Council) will assess these mitigations to decide whether they will achieve the required level of mitigation to the risk,</p>	
Sewage / Waste-Water	<p>Thames Water made clear with the previous applications that the current sewage / waste-water network has significant constraints. Without upgrades, which could take up to 3 years to deliver, the current network has capacity for only 60 new dwellings at most.</p> <p>As the main sewer apparently goes along the back of Lower Road, such an upgrade is likely to cause significant disruption to the village centre.</p>	

Impact Area	Application 24/0538/OUT 675 Dwellings	Application 24/0476/OUT 300 Dwellings
Density of Housing	The proposal is for a density of 31 dwellings per hectare. This is above the current density in Chorleywood of about 18 dwellings per hectare.	The proposal is for a density of 30 dwellings per hectare. This is above the current density in Chorleywood of about 18 dwellings per hectare.
Design of Development	<p>The final design of the development will not be finalised until further application(s) are submitted. The current design outline does not appear to be inappropriate for Chorleywood with the maximum height of buildings being 3 storeys (in line with the requirements laid out in the Chorleywood Neighbourhood Development Plan).</p> <p>However, the taller buildings are proposed to be placed along the border with Green Street and reaching down towards Orchard Drive. This will make them prominently visible and increase the impact on the privacy of existing homes in Orchard Drive.</p> <p>The mix of the dwellings proposed is well aligned to that reported in the latest housing needs analysis for Three Rivers and the requirements of the draft Neighbourhood Development Plan. The housing to be provided is focussed on the smaller dwellings (1,2,3 &amp; 4 bedroomed) needed to supply local housing for first-time buyers and down sizers.</p>	

9.1.7 Environment Agency (12 April 2024): [No comment]

There are no constraints within our remit at this site and therefore we have no comments on the above proposal.

9.1.8 Hertfordshire County Council – Archaeology (12 April 2024): [Insufficient information]

Please note that the following advice is based on the policies contained in the National Planning Policy Framework.

As previously advised on applications 8/20/0002/EIAS and subsequently on 8/20/0898/OUT, the proposed development site is some 9.6 ha in area and is gently-sloping hillside agricultural land that historically would have overlooked a dry valley to the south.

The site is in an area that is well populated with heritage assets including those of the Roman period in particular. The Historic Environment Record (HER) notes that a Late Iron Age and Roman farmstead was excavated in the 1940s at Mount Wood to the north of the site (Bucks HER). Roman buildings have been found at Sarratt (HER Record no. 16177) and a villa at Latimer (Bucks HER), and a large, complex Late Iron Age and Roman settlement has recently been revealed at Maple Cross, to the south, prior to infrastructure works.

An undated gully was identified during an archaeological evaluation immediately adjacent to the site, to the north, at Stubbs Farm (HER no. 18650). A possible, but doubtful Roman road may lie circa 500m to the north of the site (HER no. 4594). Roman pottery, specifically a samian bowl, has been found on Chorleywood Common, roughly 250m to the south east (HER no. 1361).

A site the size of 9.6 ha in Hertfordshire, or indeed Buckinghamshire, is statistically almost certain to impact upon archaeological remains of some kind. Given the scale of the proposed development the potential for disturbing particularly significant remains is also increased.

Initial advice for 8/20/0002/EIAS asked for a geophysical survey and archaeological trial trenching pre-determination. In October of 2020, a Gradiometer Survey Report by Wessex

Archaeology was submitted to support the aforementioned planning application as well as later applications 8/20/0898/OUT and 8/20/0538/OUT. The results of the survey detected anomalies that were likely to indicate archaeological features, including a possible pitalignment, evidence of possible ring-ditches and a former watercourse. An archaeological evaluation in the form of trial trenching was advised to target and investigate these anomalies to inform on the archaeological potential of the site, however, this evaluation never took place.

At present, there is still not enough information to determine whether remains that may affect the viability of the development and/or that are of sufficient importance to meet NPPF para. 206 (footnote 72) are likely to be present.

It is therefore recommended that the following works be carried out, to (to meet NPPF para 211), and the results submitted with the environmental statement:

- An archaeological trial trenching evaluation.

An informed decision can then be made with reference to the impact of the proposal on the historic environment. Where archaeology is identified, but does not meet NPPF, para. 206 (footnote 72), an appropriate level of archaeological mitigation can then be secured by negative condition (NPPF, para. 211).

9.1.9 Hertfordshire County Council – Fire and Rescue Service:

No response received at the time of drafting report.

9.1.10 Hertfordshire County Council – Highway Authority: [Objection]

No response received at the time of drafting report..

9.1.11 Hertfordshire County Council – Lead Local Flood Authority: [Objection]

No response received at the time of drafting report.

9.1.12 Hertfordshire County Council – Minerals and Waste (8 April 2024): [No objection]

**Minerals**

In relation to minerals, the site is not located within the ‘Sand and Gravel Belt’ or a Mineral Resource Block, as identified in Hertfordshire County Council’s adopted Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. The Minerals Resource Blocks are regarded as the most viable areas for future mineral extraction in the county.

British Geological Survey (BGS) data does not identify any potential superficial sand/gravel deposits beneath the application site. Given the lack of deposits beneath the site, the Minerals Planning Authority does not have any mineral sterilisations concerns.

**Waste**

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council’s adopted waste Development Plan Documents (DPDs). In particular, these documents seek to promote the sustainable management of waste in the county and encourage Local Planning Authorities to have regard to the potential for minimising waste generated by development.

The National Planning Policy for Waste (October 2014) sets out the following:  
*‘When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:*

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

The policies in the adopted Waste Core Strategy and Development Management Policies DPD (2012) that relate to this proposal, and which must be considered by the Local Planning Authority in determining the application, include Policy 1: Strategy for the Provision for Waste Management Facilities (namely the penultimate paragraph of the policy) and Policy 12: Sustainable Design, Construction and Demolition. Many of the policy requirements can be met through the imposition of planning conditions.

As a general point, built development should have regard to the overall infrastructure required to support it, including where appropriate a sufficient number of waste storage areas that should be integrated accordingly and facilitate the separate storage of recyclable wastes.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP).

The applicant has included an Outline Solid Waste Management Strategy prepared by Savills UK Limited (Savills). In this document, in paragraph 3.8, it is proposed that a SWMP will be prepared. As the Waste Planning Authority, we are pleased to see this commitment from the applicant.

As a minimum, the SWMP should include the following:

#### Project and People

- Identification of the client
- Identification of the Principal Contractor
- Identification of the person who drafted the SWMP
- Location of the site
- An estimated cost of the project
- Declaration that the client and contractor will comply with the requirements of Duty of care that materials will be handled efficiently and waste managed appropriately (Section 34 of Environmental Protection Act 1990 and Environmental Protection (Duty of Care) Regs 1991)

#### Estimating Waste

- A description of the types of waste that are expected to arise on site (recorded through the use of 6-digit European Waste Catalogue codes) and an estimated quantity for each of the types (in tonnes)
- Waste management actions for each waste type (i.e., will the waste be re-used or recycled (on-site or off-site?), recovered or disposed of)

#### Space for Later Recordings

- Space for the recording of actual figures against the estimated figures
- Space for the recording and identification of those responsible for removing the waste from site and details of the sites they will be taking it to

- Space to record explanations for any deviations from what has been set out in the SWMP, including explanations for differences in actual waste arisings compared to the estimates

If a SWMP is not produced at the planning application stage, the Waste Planning Authority request the following pre-commencement condition be attached to any approved planning application:

Condition: No development shall take place until a Site Waste Management Plan (SWMP) for each phase of the development has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

9.1.13 Hertfordshire County Council – Growth and Infrastructure (24 June 2024): [Comment received]

In our letter of 26 August 2022 and 13 March 2023, Hertfordshire County Council's Growth & Infrastructure Unit set out the level of primary and secondary education demand we expected from this site. We have since updated this modelling based on the most recent housing mix information submitted by the applicant in May 2024. We now expect this development to yield 0.40FE of primary demand in 2036 and 0.39FE of secondary demand in 2041. The reduction in peak yield is considered minimal and it will continue to have no effect in terms of school provision requirements.

As per our previous response, the scheme in its current form does not trigger the need for a new primary school site in Chorleywood. In turn, while it is likely that HCC might bid for funding to fund the provision of education places at primary and secondary, the details of this bid are not known at this time. HCC reserves the right to seek funds from Three Rivers District Council that have been collected through CIL to finance additional infrastructure requirements in Chorleywood as a result of development.

I would be grateful if you would keep HCC informed about the progress of this application. We welcome an ongoing dialogue as you continue to determine this planning application to resolve any outstanding matters relating to impacts from the proposal on HCC services. Should you require any further information, please contact the Growth & Infrastructure Unit.

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

**PLEASE NOTE:** Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at [water@hertfordshire.gov.uk](mailto:water@hertfordshire.gov.uk), who may request the provision of fire hydrants through a planning condition.

9.1.14 Hertfordshire County Council – Public Health (15 April 2024): [Comment received]

For all development proposals Public Health recommends that applicants refer to the Hertfordshire Health and Wellbeing Planning Guidance , Public Health England's Spatial Planning for Health evidence resource and the NHS England 'Putting Health into Place, 10 Principles' Guidance document 2019 .This sets out our expectation of developers in terms of the delivery of healthy development and communities, and focusses on the principle of 'designing in' health and wellbeing as an essential part of the planning process. In doing so, this recognises the wider determinants of health as a diverse range of social, economic and environmental factors which influence people's mental and physical health, and would demonstrate that an application for development has been positively prepared.

### **National and Local Policy**

The recently revised NPPF, in its planning objective 8b, sets out that the planning system has a social objective to support strong, vibrant and healthy communities and to support communities' health and social wellbeing. This has been retained from the previous NPPF and should be seen as an equal consideration to environmental and economic objectives. Paragraph 92 requires planning to aim to achieve healthy places which enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs (Para 92c).

Paragraph 93b sets out that planning decisions should take into account and support the delivery of local strategies to improve health, social and cultural wellbeing for all sections of the community.

The Hertfordshire Health and Wellbeing Strategy 2022 – 20265 sets out the vision and strategic priorities for improving health and wellbeing and reducing health inequalities in the County. This strategy outlines three key overarching ambitions and six themed strategic outcomes we are collectively aspiring to in Hertfordshire.

### **Health Impact Assessment**

#### **Specific Comments on the Proposal**

1. Air quality: The effects of air pollution on health have been intensively studied in recent years. The results of these studies showed that air pollution harms human health and particularly is harmful for those who are already vulnerable because of their age as children and older people or existing health problems. Ambient air pollution has been associated with a multitude of health effects, including mortality, respiratory and cardiovascular hospitalizations, changes in lung function and asthma attacks. Whilst it is better to reduce air pollution at source than mitigate the consequences, every new development will have an impact on air quality, usually by increasing emissions from buildings or from traffic generation. The links between poor air quality, human health, and the environment are well documented and is classed by Public Health England as a major public health risk alongside cancer, heart disease and obesity.

Public Health advises that the developer should consider sensitive placement of sensitive receptors to air pollution. This includes careful location of any affordable dwelling contribution in areas likely to have low concentrations of air pollutants and noise.

I defer to the Three Rivers District Council Environmental Health team to ensure that development will not create air quality problems. In particular, I seek reassurance that this development will not contribute to a worsening of local air quality that may lead to poor health outcomes (through exposure) for the existing community living in the vicinity, or for new and vulnerable populations (such as the elderly or young children).

The Planning Authority may wish to consider the National Institute for Health and Care Excellence (NICE) 2017 Guidance on Outdoor Air Pollution, as well as the 2019 Quality Standard (QS181) which covers road-traffic-related air pollution and its impact on health.

The Quality Standard describes high-quality actions in priority areas for improvement, with Quality Statement 2 focussed on planning applications.

2. Indoor air quality: Exposure to poor indoor air quality can impact negatively on health. The National Institute for Clinical Excellence (NICE) have recently published guidance on indoor air quality (NICE guideline NG149).

3. Creating access for all: To meet the needs of an ageing population and individuals with physical disabilities and limiting illnesses it is recommended to give consideration to the accessibility across the development. This includes: footpath surfaces and colour schemes (particularly for people with dementia) and street furniture design (i.e. seating suitable for older adults).

4. Adoption of active travel behaviours from the new occupants: We recommend there is appropriate signage for pedestrian/cycle routes towards key local destinations (including the bus and train stations) and rights of way which includes journey times. To encourage the adoption of new active travel behaviours, this needs to be in place prior to first occupation when individuals are more susceptible to change. The planning authority may wish to consider this by way of a condition.

5. Active Design: The development should maximise opportunities for encouraging physical activity by following the guidance in Sport England's and Public Health England's Active Design guidance <https://www.sportengland.org/how-we-canhelp/facilities-and-planning/design-and-cost-guidance/active-design>. In particular, the checklist in the Active Design guidance should be used for informing the design and consideration of how the checklist has been considered should be included in a planning application e.g. as part of the Health Impact Assessment or Design and Access Statement. The planning authority may wish to consider this by way of a condition to request details to be submitted and approved which demonstrate how promoting physical activity has been considered in the design and layout of the development. Public Health strongly advises the developer to consult Sport England on this application.

6. Affordable Housing: having a good quality home is important to our health and wellbeing and ensuring accessibility to affordable housing is a priority across the County. It isn't clear how and where the affordable housing will be provided. It is, without a doubt, crucial that the development provides its affordable housing in a way which is integrated and avoids demarcation. It should also have equal access to the green space provided.

7. Provision of healthy, affordable food: We seek to encourage affordable, healthy food choices and a balance in the range of food outlets occupying the retail space to enable individuals to make healthy choices, whilst promoting local commercial diversity. The environment in which we live, work and play has a considerable influence on our food choices. Easy access to affordable, healthy food choices can help to support a balanced diet and prevent unhealthy weight in the population. We look to the local planning authority to consider licencing restrictions for food outlets within this development to provide a balance of food choices available.

8. Contributions towards modal shift and active recreation: We recommend the planning authority considers seeking contributions by way of a planning condition towards local schemes to encourage modal shift towards active and sustainable travel.

9. Charging points for electric vehicles: To encourage the use of cleaner vehicles, electric charging points should be provided for all new residential and non-residential buildings with associated parking.

10. Car club: We would like to see the developer making a contribution to setting up a car club.



11.Safe crossing points beyond site perimeter: to encourage residents to use active travel, a key indicator will be perceptions of safety. Safe crossing points will encourage behaviour change for residents to use active travel in favour of car usage. It is not clear from the plans if there are safe crossing points on nearby roads to the proposed site.

## **Health Impact Assessment**

Health Impact Assessment (HIA) is a recognised tool that can assist development applications demonstrate both the positives of the proposal as well as identifying any unintended consequences. Robust assessments of the health implications of development proposals consider how different populations will be positively and negatively impacted by the development; HIA can draw out these inequalities in relation to the impact of a development on existing local communities and how the development may influence the health and wellbeing of its new residents. It is also important to consider the cumulative impact of neighbouring developments on new and existing communities which can be taken into account when undertaking an HIA.

In November 2019, Hertfordshire County Council adopted a HIA Position Statement which sets out that an HIA is undertaken for developments in excess of 100 residential units. It also clearly sets out the recommended frameworks to use for each stage of the HIA process. This includes guidance on the quality assurance framework that will be used to assess how well an HIA has been undertaken. The Hertfordshire County Council (HCC) HIA Position Statement can be downloaded from the link below:

<https://www.hertfordshire.gov.uk/media-library/documents/public-health/health/hia-positionstatement.pdf>

The HIA Position Statement does not specify a particular methodology to use for the appraisal stage - this is to be determined by the developer. However, we recommend developers familiarise themselves with the “Wales Health Impact Assessment Support Unit (WHIASU) Quality Assurance Review Framework for HIA” to ensure the framework chosen to undertake the HIA meets the requirements of a high quality HIA. Hertfordshire Public Health will be quality assessing HIAs (using the WHIASU Quality Assurance Review Framework) submitted with planning applications either as standalone assessments or as part of Environmental Impact Assessments.

Given the scale of the proposed development, Public Health will require the developer to undertake a Health Impact Assessment (HIA) to assess the potential positive and negative health impacts of this development. In doing so, the applicant would be demonstrating how it is meeting the various requirements of the NPPF, chapter 8.

In the absence of an agreed national set of guidelines on HIA, and appreciating there are different methodologies, our expectation is that an HIA must:

- consult Public Health and the planning authority on its scope;
  - have robustly considered health inequalities and demonstrate an understanding of how health inequalities apply in the context of the development proposal;
  - have clearly and appropriately identified vulnerable populations as part of the HIA process (see Population Group Checklist11 for example);
  - have utilised relevant local health profiles and other appropriate community data, preferably down to ward level where possible;
  - be robust in its consideration of the wider determinants of health, and can demonstrate understanding of what these are in the context of the development proposal and wider communities;
  - be balanced in its findings.
- To ensure the completeness and quality of the Health Impact Assessment: (a) the developer must ensure that the Health Impact Assessment is prepared by competent

experts; and (b) the Health Impact Assessment must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts.

For a development of this size, we would be expecting a Rapid / Full HIA to be undertaken. The applicant should consider how much more work this would entail set against the benefits of demonstrating to the local planning authority how the proposal is positively planned and how it will offer opportunities to the existing and new communities.

The development proposals represent significant change to the built environment which, whilst intended as positive, may have unintended negative impacts on health that an HIA may highlight. There are a range of guidance and resources that can be used to inform HIA development to ensure it is robust, balanced, evidence-driven and puts health at the heart of planning. See Table 1 of the recent Public Health England publication on HIA. More useful guidance on HIA is available here: <https://www.hertfordshire.gov.uk/services/health-inherts/healthy-places/the-role-of-public-health-in-planning.aspx#HIA>.

Public Health notes that the developer has not submitted an HIA report alongside the planning application. Therefore, Public Health requests a planning condition to be imposed requiring HIA to be submitted and approved. A suggested planning condition is as follows:

“No development shall commence until an HIA report is submitted and approved in writing by HCC Public Health to demonstrate both the positives of the proposal as well as identifying any unintended consequences for the physical health and mental wellbeing of both existing communities in the vicinity, as well as the future residents of the new development.”

Reason: To ensure that the impacts on health and wellbeing, both positive and adverse are adequately identified as a result of the proposed development and to demonstrate that the proposed development contributes to reducing the causes of ill-health, improving health and reducing health inequalities within the borough.

9.1.15 Hertfordshire County Council – Water Officer (18 June 2024): [Comment received]

This will require additional fire hydrants, which we'd like to request via a condition to ensure there are adequate water supplies available for use in the event of any emergency, at no cost to the County Council, or Fire and Rescue Service.

9.1.16 Hertfordshire Constabulary (2 July 2024): [Comment received]

I can see no reference to security or crime prevention in the documents provided. I would ask that the dwellings are built to the police preferred security standard Secured by Design and I have the opportunity to discuss security with the architects/ developer at the earliest opportunity.

My comments are made from a crime prevention perspective only. I do have substantive concerns with the overall layout. On the Eastern side of the development there are 2 large parking courtyards to the rear of the properties with very little surveillance. We have been trying to design these out as evidence has shown that these are anti-social behaviour hot spots.

I would be unable to support this application owing to the parking courtyards.

9.1.17 Herts and Middlesex Wildlife Trust: [No comment received]

9.1.18 Herts Ecology (21 May 2024): [No Objection]

**Overall Recommendation**

Application can be determined with no ecological objections (with any Informatives/Conditions listed below).

### **Summary of Advice**

- Mitigation and compensation measures for protected species and sites should be resolved at Reserved Matters.
- A Habitat Management and Monitoring Plan (HMMP) should be secured by a Section 106 Agreement, alongside the mandatory Biodiversity Gain Plan Condition.

### **Supporting Documents**

I have made use of the following documents in providing this advice:

- 24/0476/OUT Environmental Statement Chapter 10: Ecology by Savills.
- Bat Activity Report by Johns Associates (13 March 2024).
- Great Crested Newt eDNA Survey Technical Note by Johns Associates (14 March 2024).
- Biodiversity Net Gain Assessment – 300 Unit by Johns Associates (March 2024).
- Statutory Biodiversity Metric – 24/0476/OUT (21 March 2024).

### **Comments**

#### **Biodiversity Net Gain (BNG)**

The Biodiversity Net Gain Assessment and accompanying Statutory Metric detail a proposed net gain to biodiversity and demonstrate that the Trading Rules have been satisfied.

Through a combination of on-site and off-site measures, this application details a net gain of 23.05% in habitat units, and 124.49% in hedgerow units. However, the off-site location for BNG is proposed to be within part of an otherwise formal sports complex which raises potential concerns surrounding its viability in delivering meaningful BNG. At this stage, only limited information is provided on how this habitat will be managed and its value maintained for the full 30-year period, and ultimately only long-term monitoring will demonstrate how these communities develop and whether the BNG claimed is being achieved. We therefore advise that a Habitat Management and Monitoring Plan (HMMP) should be secured by a **Section 106 Agreement**, alongside the mandatory **Biodiversity Gain Plan Condition**.

#### **Protected Species**

The Bat Activity Report listed above concludes the site to be suitable for foraging and commuting bats, therefore a mitigation strategy regarding a sensitive lighting design and landscaping will need to be resolved at the Reserved Matters stage. The report highlighted potential for roosting bats within the site boundary, and updated bat activity surveys are proposed to be undertaken between April to June 2024.

At this stage, we do not consider protected species will represent a fundamental ecological constraint to the proposals. The Environmental Statement listed above outlines mitigation measures regarding bats, badgers, great crested newts, breeding birds, hedgehog, and roe deer. Such measures will need to be expanded upon at the Reserved Matters stage in order to demonstrate how they will be effectively implemented.

The Great Crested Newt eDNA Survey listed above concluded great crested newts to be absent from the site. Should any subsequent permission be granted, the applicant proposes to apply for a GCN District Level License (DLL) from Natural England. Repeat badger surveys and monitoring prior to construction is proposed to form part of a Construction

Environmental Management Plan (CEMP) in order to ascertain whether a badger license from Natural England will be required to allow the proposed development to take place.

### **Chorleywood Common Local Nature Reserve (LNR)**

Whilst we do not consider the modified grassland to represent a fundamental ecological constraint to the proposals, the development represents a major intrusion into, and urbanisation of, the AONB at this location. This number of new dwellings in a sensitive, urban fringe area is highly likely to generate further recreational pressure on Chorleywood Common Local Nature Reserve (LNR), which is already subject to high amenity use. Consequently, I consider that measures to mitigate additional pressures on the LNR should be proposed to the satisfaction of the LPA.

### **Mitigation and Compensation Measures**

Chapter 10 of the Environmental Statement by Savills (as listed above) provides mitigation and compensation measures surrounding protected species and protected sites subject to potential impacts by this proposal. We support the measures proposed within this statement and advise that such measures will need to be expanded upon at the Reserved Matters stage in order to demonstrate how they will be effectively implemented.

#### **9.1.19 National Highways (26 April 2024): [No objection]**

National Highways (formally Highways England) has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

This outline application is for the comprehensive development of the Site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access).

National Highways has been consulted on this application for delivery of a residential development comprising up to 300 homes and other ancillary facilities, as well as on another concurrent application at the same site (ref. 24/0538/OUT) for delivery of up to 675 homes and a primary school.

The SRN in the vicinity of the proposed development are the M25 Junction 17 and Junction 18, which are approximately 1.69 miles and 1.16 miles away, respectively. The site is proposed to be accessed via Green Street, a local highway. The site does not have a common boundary with the SRN.

We were previously consulted on two other applications at this site which proposed developments of up to 300 dwellings (ref. 20/0898/OUT) and 800 dwellings (ref. 20/0882/OUT) respectively. We concluded our review of application ref. 20/0898/OUT in August 2021 and ref. 20/0882/OUT in October 2022.

Regarding the most recent previous application for 800 dwellings (ref. 20/0882/OUT), our recommendation of no objection in October 2022 was based on a thorough review and agreement with the detailed modelling, as well as the acceptable transport impacts on M25 Junctions 17 and 18.

We have reviewed the Transport Assessment, prepared by Origin in March 2024, which is part of this planning submission. The presented trip generation, distribution, and assignment are deemed acceptable. Given the significant reduction in quantum of the proposed development compared to the most recently reviewed previous application, the overall numbers of trips predicted to reach the SRN are reduced. Given that this current application proposes up to 300 dwellings, we anticipate significantly lesser traffic impact on the SRN to what we had reviewed and accepted 18 months ago

**Recommendation – No Objection.**

We are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 01/2022, and MHCLG NPPF 2023) in this location and its vicinity.

**Standing advice to the local planning authority**

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 74 and 109 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 108 and 114 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon

9.1.20 Historic England (17 May 2024): [Concerns]

**Significance of heritage assets**

The land that is the subject of this application lies to the East of Green Street on the northern edge of Chorleywood. The far south east of the site is adjacent to the Chorleywood Common Conservation Area, character area D. It is on a patch of rising ground that has panoramic views across the town and surrounding countryside.

Chorleywood Common is a large tract of open land to the north of the town with typical common edge ribbon settlement to its western side. As Chorleywood has grown, the common has seen development to its western and eastern sides, the southern extent being defined by the railway line. The south western boundary of the site is defined by houses which were developed between 1938 and 1955 in a linear fashion along streets. The eastern boundary is adjacent to an area of properties with large gardens and is well treed. The western boundary lies along the boundary with the neighbouring local authority and the Chilterns Area of Outstanding Natural Beauty.

The land in question has historically formed a part of the open setting for Chorleywood Common and is a positive factor in the character of the Conservation Area. Despite the more recent larger houses separating the more historic development along Common Road from this piece of land, the land is a rural backdrop to the ribbon development in this area creating a link back to the more rural origins of settlement in this area.

**Impact of proposals**

Proposals are to build 300 houses on this piece of land with associated open space and access. Proposals for such a sizable new settlement would inevitably cause a degree of harm to the rural character of Chorleywood Common Conservation Area.

Because of the topography of the land the proposed houses would be visible from the Conservation Area and through gaps between the buildings along Common Road. This would impair the sense of space and openness of the Conservation Area along Common Road, leaving the open, rural backdrop of this traditional settlement compromised.

The proposed homes would be separated from the boundaries of the site by enhanced planting and where the site borders the Conservation Area, a sustainable urban drainage system would be developed leaving this area for recreation. The site is proposed to have extensive planting and a mixture of hard surfaces and different sizes and styles of housing.

### **Policy and legislation to consider**

The application needs to be determined in accordance with policies of the National Planning Policy Framework (NPPF). Paragraph 205 states great weight should be given to the conservation of designated heritage assets, which includes listed buildings and conservation areas. Paragraph 201 stresses the need to avoid or minimise any conflict between a heritage asset's conservation and any aspect of a proposal. Paragraph 206 states any harm to the significance of a designated heritage asset should be clearly and convincingly justified, and paragraph 208 of the Framework requires harm to be weighed against public benefits. Clear public benefits which outweigh the degree of harm must be demonstrated.

The site is within the Greenbelt (Planning Policy P2) and the Chilterns AONB.

### **Historic England's Position**

The proposed development, by reason of its form, scale and density would detract from the overall rural character and appearance of the wider landscape and cause harm to the setting and significance of the Chorleywood Common conservation area. As the rurality of the conservation area would be partly eroded rather than completely destroyed, we assess the level of harm to its significance as a low level of less than substantial as defined by the National Planning Policy Framework.

### **Recommendation**

Historic England has no objection to the application on heritage grounds.

Should your Council be minded to grant permission for this reduced scheme, it will need to be convinced that, having worked through paragraphs 201-208 of the NPPF, the harm is clearly and convincingly justified. Given the level of harm and the great weight that should be given to that harm in the planning balance, major public benefits would need to outweigh it.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

9.1.21 National Grid: [No response received]

9.1.22 Natural England (10 May 2024): [Objection]

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

## OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES AND PROTECTED LANDSCAPES

As submitted, the application could have potential significant effects on Chilterns National Landscape (CNL); Frogmore meadows Site of Special Scientific Interest (SSSI) and Sarratt Bottom Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The proposals are considered to be partitioning the site at Land East of Green Street, ChorleyWood and as such mitigation is required to ensure the application will not result in an adverse effect on site integrity.

The following information is required:

- Further consideration of recreational impacts on Frogmore meadows SSSI
- Further consideration of recreational impacts on Sarratt Bottom SSSI
- Further analysis of mitigation measures on the Chilterns National Landscape (CNL)

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained. Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Natural England previously raised objection to application, since withdrawn, for a 300/800 housing development at this location, reference(s) 20/0898/OUT (300) and 20/0882/OUT (800).

We welcome the opportunity to comment on this new submission.

### **Additional Information required**

#### **Recreational impacts**

Both Frogmore meadows SSSI and Sarratt Bottom SSSI, at their closest point, lie approximately 1.81 and 1.85km respectively from the proposed development. The Environmental Statement acknowledges the proximity of the protected site and has ruled out negative environmental effects due to proposed measures to be implemented during occupational stages of development (para 9.48 – 9.50; Ecological statement non-technical summary). However, Public Rights of Way (PRoW) and accessibility of the site means they are within walking distance. The notified features of the SSSI(s) are sensitive to recreational pressure hence the effects of increased pressure associated with the proposed development should be considered further.

We disagree that development will not have an adverse impact on Frogmore Meadows SSSI and Sarratt Bottom SSSI and that effects of increased recreational impacts arising from new residents have been considered in full. We acknowledge the provision of some green infrastructure measures within the development design with scope for retained green space, hedgerows, and creation of water features. However, we note that the balance between providing for ecology and providing mitigation for recreational disturbance requires careful design. We suggest that further mitigation measures are employed to reduce potential recreational impacts (leaflets, signage) and recommend liaising with the site managers to determine what measures would be appropriate to adequately address additional visitor pressure. With regard to the extent and design of high quality accessible natural greenspace provision, we advocate the use of Natural England's Green Infrastructure Framework: Principles and Standards. Useful reference can also be made to our SANG guidelines for specific criteria on effective green space design. Such criteria include but are not limited to:

- A minimum circular walk of 2.3-2.5km

- A minimum of 100m width between paths within open spaces
- A need for semi-natural feel with naturalistic space including open countryside and trees
- Provision of access points based on intended visitors to SANG
- Allowance of open space and off-lead areas for dogs

A draft green space strategy, incorporating sufficient extent, design, and long-term management of on-site accessible natural greenspace provision to avoid adverse impact to the nearby designated sites, should be provided, taking into consideration our advice above. Should the applicant wish to seek Natural England's advice on the draft Strategy, we would be happy to provide this through our Discretionary Advice Service.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

### **Other Advice:**

In addition, Natural England would advise on the following issues

#### **Protected Landscapes – Chilterns National Landscape (CNL)**

The proposed development is for a site within or close to a nationally designated landscape namely Chilterns National Landscape.

The Chilterns National Landscape's (AONB) landscape and scenic beauty is afforded the highest level of protection by national planning policy. Its statutory management plan describes the features, characteristics and cultural associations which makes the area both a unique and high-quality landscape. As such they provide a helpful articulation, rooted in the original designation description and Order but more relatable and readily applied to issues like planning proposals, of how natural beauty is expressed within and across the designated area. A commonly used shorthand term for these defining features and characteristics is 'special qualities.' The Chilterns AONB Management Plan, defines the natural beauty, character, and special qualities of the Chilterns AONB thus:

'In particular the Chilterns was designated to protect its special qualities which include the steep chalk escarpment with flower-rich downland, woodlands, commons, tranquil valleys, ancient routes, villages with brick and flint houses, chalk streams and a rich historic environment of hillforts and chalk figures.'

This description, together with other more fine-grained and detailed descriptions and cataloguing of the area's special qualities, and the area's Landscape Character Assessment, should provide the baseline against which the potential impacts of the proposed Chorley wood project on the Chiltern National Landscape (AONB) landscape should be assessed. A significant adverse effect on any of those defining characteristics or special qualities would be a strong indicator that the ability of the AONB to deliver its statutory purpose could be compromised.

We advise that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below. Your decision should be guided by paragraph 182 and 183 of the National Planning Policy Framework, which requires great weight to be given to conserving and enhancing landscape and scenic beauty within National Landscapes, National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied



in considering this proposal. Natural England do not consider that exceptional circumstances have been demonstrated in this case.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

The statutory purpose of the National Landscape is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose.

Furthermore, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (which includes local authorities) in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty in England, to seek to further the statutory purposes of the area. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The relevant National Landscape body (Conservation Board or Partnership) may be able to offer advice in relation to the duty, including on how the proposed development aligns with and contributes to delivering the aims and objectives of the area's statutory management plan.

It should be noted that Natural England does not support the conclusions drawn within the current submitted Landscape Visual Impact Assessment (LVIA) in regard to impacts on the Chilterns National Landscape. We direct you to comments provided by the Chilterns Conservation Board and would recommend referral to their advice in this matter, including an update to the LVIA.

### **Best and Most Versatile Agricultural Land**

We note from the Applicant's Agricultural Land Classification report (ES APPX 5.4) that a magic map search indicates that the proposed development will affect c.23ha of ALC 3b soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Further information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website and the Data.Gov.uk website

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, separate guidance on soil protection for site restoration and aftercare is available on Gov.uk website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

9.1.23 NHS Hertfordshire and West Essex Integrated Care Board (8 May 2024): [Comment received]

Thank you for consulting the Hertfordshire and West Essex Integrated Care Board (HWE ICB) on the above-mentioned planning application.

Please accept this letter as the HWE ICB's position on primary healthcare capacity and need arising from this planning application and the health financial contribution sought if Three Rivers District Council is minded to grant planning permission.

The HWE ICB became a statutory body on 1 July 2022 and is the health commissioner responsible for delivering joined up health and social health care to a population of c1.8m. in Hertfordshire and west Essex.

The HWE ICB works in partnership with health providers, local authorities, and other organisations to:

- improve the general health and wellbeing of Hertfordshire and west Essex residents and improve health care services in the area.
- tackle the inequalities which affect people's physical and mental health, such as their ability to get the health services they need, and the quality of those services help tackle health and wider inequalities.
- get the most out of local health and care services and make sure that they are good value for money.
- help the NHS support social and economic development in Hertfordshire and west Essex.

A strategic aim of the NHS HWE ICB is the improvement of primary and community and mental health care outside of hospitals. To achieve this the NHS commissions a number of services from general practices in addition to their "core" activity. On the ground this means more joined up care, for example, primary and community healthcare hubs with co-ordinated multidisciplinary professionals/ teams. Therefore, a doctors' general practitioners' surgery may also include an ancillary pharmacy and ancillary facilities for treatments provided by general practitioners, nurses and other healthcare professionals to provide care to residents.

### **NHS GP premises funding**

By way of context, GP Practices are independent contractors that deliver NHS services - in most cases through General Medical Services (GMS) contract. In line with their contract, they receive payments for the delivery of GMS services as well as reimbursements of their premises costs.

According to the terms of their GMS contract, GP contractors receive rent from NHS for using their premises (which they either own or lease) to provide NHS services from. In line with NHS Premises Costs Directions 2013, for the premises that the GP's own, NHS pays Current Market Rent (i.e. fair and reasonable rent as determined by the District Valuer). For leased premises, NHS reimburses the lease rent that they pay to their landlord (also as verified by the District Valuer). In addition, NHS reimburses business rates and water rates.

If new and/or extended surgery buildings are required, these can be funded in various ways:

- NHS capital investment in the building works – GP practice will sign a Grant Agreement and as a result, their rent reimbursement is abated proportionately to reflect the amount of capital invested for a specified time period in line with NHS Premises Costs Directions 2013.
- S106/CIL investment in the building works – as above, treated in the same way as NHS capital investment.
- Capital investment by the practice
- Capital investment by the landlord/third party developer

In the latter two cases, where there is no NHS capital investment, yet we receive the benefit of an increased and/or improved building, there is an increase in either the Current Market

Rent (GP owned) or the lease rent (leased building) and the NHS commissioner will be liable for that additional revenue consequence. It should be noted that because all GMS contracts are contracts in perpetuity, NHS will be liable for these costs indefinitely.

### **Primary Care Networks**

Within the HWE ICB there are 35 PCNs across the 14 localities, each covering a population of between circa 27,000 and 68,000 patients. PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services to ensure an integrated approach to patient care.

Patients are at liberty to choose which GP practice to register with, providing they live within the practice boundary. However, most patients choose to register with the surgery closest and/or most easily accessible to their home for the following reasons: walking distance, quickest journey time, accessibility by public transport, parking provision.

Despite premises constraints GP Practices are not allowed to close their lists to new registrations without consultation with, and permission from the HWE ICB. Even when surgeries are significantly constrained, the NHS will seek to avoid a situation where a patient is denied access to their nearest GP surgery, with patient lists only closed in exceptional circumstances.

The HWE ICB keeps up to date PCN patient lists and closely monitors the current and future capacity of GP surgeries against Local Plan allocations/ housing trajectories.

The HWE ICB also ranks PCNs using existing premises data and known development data. This will identify and rank hotspots across the PCN patch where there is a need to explore projects to increase capacity, for example, by either re-configuring, extending or relocating GP premises to provide sufficient space to increase resources and clinical services to keep patient lists open.

### **Assessment of impact on existing Healthcare Provision**

This development will have an impact on primary/secondary health care provision in the area, and its implications, if unmitigated, would be unsustainable for the NHS.

The HWE ICB has assessed the impact of the proposed development on existing primary health care provision. This scheme is expected to deliver 300 homes, which based on an average occupancy of 2.4 will create circa 720 new patients.

These new residents will mainly impact on RCS PCN practices. Even though there appears to be some capacity in Chorleywood MC and Gade Surgery's branch in Witton House – their patient per m2 ratio being lower than the ICB average – collectively as a PCN they are still constrained.

In order to illustrate their current situation, individually as well as collectively in terms of premises capacity, we have included a small table below showing data for all practices in Chorleywood and Rickmansworth.

Surgery Name	Settlement/ Area	PCN	Number of patients capacity/ constraint relative to 18 per m2	Settlement level			PCN level		
				Number of patients capacity/ constraint	Total NIA capacity/ shortfall	Capital impact of existing capacity/ shortfall	Number of patients capacity/ constraint	Total NIA capacity/ shortfall	Capital impact of existing shortfall
Chorleywood Health Centre	Rickmansworth/ Chorleywood	RCS	1,382	-213	-12	-£64,060	-213	-12	£64,060
Gade House Surgery		RCS	-4,728						
Witton House Surgery		RCS	2,201						
The Colne Practice		RCS	931						

Table demonstrates that the closest GP practice to the proposed development – Chorleywood HC and Witton House Surgery have a capacity to register new patients, however, the RCS PCN collectively is constrained and any spare capacity that there is in those practices is likely to be taken up by the increasing number of additional services that PCN's are required to deliver.

### Cost calculation of additional primary healthcare services arising from the proposed development

The proposed development is expected to deliver 300 residential units. The HWE ICB uses a standard occupancy factor of 2.4 resulting in 720 new patient registrations.

The cost calculation of additional primary healthcare services arising from the proposed development is therefore:

300 residential units x 2.4 = 720 new patients  
720/ 2,000 = 0.36 GP (based on ratio of 2,000 patients per 1 GP and 199m2 as set out in the NHS England "Premises Principles of Best Practice Part 1 Procurement & Development")\*

0.36 x 199m2 = 71.64m2 additional space required  
71.64 x £5,410 (build costs including land, fit out and fees) = £387,572.40  
£387,572.40 / 300 = £1,291.91 per dwelling

Total GMS contribution requested £387,572.

*\*It should be noted that the NHS England "Premises Principles of Best Practice" is only concerned with the GP core services and does not consider the increasing number of additional services that GP practices are now delivering.*

Furthermore, the above does not consider the impact on NHS community, mental health and acute care services, all of which will be at the disposal of new residents. Detailed calculations of the tariff reflecting the capital impact can be provided and we have summarised the cost per dwelling based on 2.4 occupancy below:

NHS Service Cost per dwelling  
Acute Care - £2,187.69  
Mental Health - £201.38  
Community Services - £182.03

The Acute Care: 300 x £2,187.69 = £656,307  
Mental Health Service: 300 x £201.38 = £60,414  
Community Services: 300 x £182.03 = £54,609

The HWE ICB acknowledges that these services are more appropriately funded through CIL as each facility usually covers a larger geographical area.

The HWE ICB requests that the GMS contribution of £387,572 is secured through a planning obligation attached to any grant of planning permission, in the form of a Section 106 agreement. A trigger point of payment on occupancy of the 1st dwelling & 200th dwelling is also requested.

To clarify, the financial contribution for health infrastructure that the HWE ICB is seeking, to mitigate the health impacts from this development has been calculated on the number of units proposed and does not consider any existing deficiencies or shortfalls.

Please also note, the above developer contribution figures are a calculation only and that the final payment will be based on the actual dwelling unit mix and the inclusion of indexation.

If planning permission is granted, the HWE ICB propose to focus the GMS contribution on additional GP facilities in one of the strategic development sites as per our Regulation 18 consultation response dated 8th December 2023.

It should be noted, however, that the purposes specified above are based on the information received from the TRDC to date. These projects are to be reviewed, should there be any changes to the planned development in the TRDC Regulation 19 Local Plan consultation

#### 9.1.24 Three Rivers District Council - Conservation Officer (10 July 2024): [Harm identified]

The outline application is for the comprehensive development of the Site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access).

A very similar application was submitted in 2020 (20/0898/OUT) and due to the similarities between the previous scheme and the now proposed scheme, the advice remains broadly the same and is repeated below.

The site is located to the north west of the Chorleywood Common Conservation Area and to the north of the Chorleywood Station Estate Conservation Area. Within the Chorleywood Common Conservation Area are a number of listed buildings, and the two within closest proximity to the site are situated on the western side of Common Road. Berkeley House is Grade II listed (list entry no. 1348212) and dates to the early-mid seventeenth century with substantial nineteenth century alterations. It was formerly the Berkeley Arms Public House and is prominent element of the streetscape overlooking the Common. Further north on Common Road is the Grade II listed building of The Old Cottage and Pond Cottage (list entry no. 1296284) with a sixteenth and seventeenth century timber framed core encased in red brick in the eighteenth century and with subsequent alterations in the nineteenth and twentieth centuries. The Conservation Area also includes a number of locally listed buildings including the Rose & Crown Public House, a building with seventeenth century origins fronting the Common, and The Cottage located on Homefield Road which is a good example of early twentieth century design typical of the growth of the area following the opening of Chorleywood Station.

A cluster of four Grade II listed buildings forming the historic core of Great Greenstreet Farm, including the farmhouse (list entry no. 1124748) and three barns (list entry nos. 1332569, 1252815 and 1252819), is situated to the north of the site on the western side of Green Street. These buildings are located outside the Three Rivers District boundary within Buckinghamshire. The site forms part of their wider landscape setting.

The heritage assets potentially impacted are the Chorleywood Common Conservation Area and the four Grade II listed buildings at Great Greenstreet Farm. The proposal is not considered to individually impact the settings or significance of the listed and locally listed buildings within the Conservation Area. These buildings and the spaces between them form part of the Conservation Area.

Historic England's Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) on The Setting of Heritage Assets has been considered in assessing the proposal.

### **Chorleywood Common Conservation Area**

Chorleywood Common Conservation Area was designated in 1976 and amended in 1991. The special interest of the area is defined within the Chorleywood Common Conservation Area Appraisal (2010):

Chorleywood Common Conservation Area is of both historic and architectural interest. The open rural nature of the Common and the integration of the built form surrounding the Common creates an area of architectural interest. The variation in character of the buildings located around the Common, ranging from 16th and 17th Century to 19th Century buildings demonstrates the growth of the area throughout history... The special interest of the Conservation Area relates to the types of buildings and how the built form surrounding the Conservation Area has developed and grown throughout history. The original buildings consist of the farm cottages. These buildings reflect the historical agricultural use of the Common... Chorleywood Bottom reflects the early village settlements of the Conservation Area. The arrival of the Metropolitan Railway line resulted in a change in the urban form particularly around Station Approach. The north eastern part of the Conservation Area has an urban character created by the development of Rickmansworth Road (A404)...The juxtaposition of low density home and gardens with more intensive terraces or rows of houses does impart a special character to the area. (pg.3)

The Common was historically used as agricultural land for the grazing of animals. Some of the earliest buildings within the Conservation Area are dispersed farm cottages reflecting the agricultural use of the Common. Development around the edge of the Common, particularly to the south west of the Conservation Area, intensified in the nineteenth century following the construction of Chorleywood Station. However, the Conservation Area retains its open and rural character and appearance.

The setting of the Conservation Area contributes to an appreciation of its significance as a historic rural settlement centred on the open land of the Common within a wider agrarian landscape. Areas of open landscape have survived to the north and south, but the former open landscape has been eroded to the east with the growth of Rickmansworth and the construction of the M25, and the west with development around the station. The site is an important area of open land to the north west of the Conservation Area forming part of the surviving agrarian landscape. The site in its present undeveloped form is considered to make a positive contribution to the setting of the Conservation Area.

Due to the unique topography of the area there are clear views of the site from the eastern part of Chorleywood Common looking north west beyond the buildings on Common Road. These views provide an appreciation of the historic landscape setting of the Conservation Area and the development of the settlement within an agrarian landscape. They are an important aspect of the setting of the area. Whilst views from the west of the Common looking north west towards the site are not included on the 'Important Views' map within the Appraisal (Appendix 8), it should be noted that the Appraisal is not an exhaustive record of every element contributing to the area's significance (stated on pg. 4).

One of the views from the Common towards the site is illustrated in View 10 (Figures 13.21 and 13.22) of the Environmental Statement. The wireframe overlay demonstrates that this view of the open landscape setting from within the Conservation Area will be lost and

replaced with a view of the proposed housing development. The undeveloped nature of the landscape to the immediate north and east of the site which will be unchanged by the proposal is not appreciated in this view. The urbanising effect to the setting of this part of the Conservation Area and the environmental changes including the change in the use of the land, light spill and movement are all attributes of the proposal which will detract from the setting of the Conservation Area and the appreciation of its significance. The proposal is considered to result in considerable less than substantial harm to the significance of the Conservation Area. Planning Practice Guidance (para. 018) recommends that the level of harm is clearly articulated. If this harm were considered on a spectrum of low, medium and high, the harm would be at a low to medium level as the proposed development is positioned to the west of the site and the open fields to the east and north are partially retained.

### **Great Greenstreet Farm (Grade II listed buildings)**

The four Grade II listed buildings comprising Great Greenstreet Farm include the former farmhouse and three associated barns. These assets form a group and have been assessed as such. The farmhouse is of seventeenth century origin with alterations and extensions dating to the eighteenth and nineteenth centuries. The three barns are all timber framed and weatherboarded and date to the eighteenth century. The barns have been converted to residential use but retain their legibility as former agricultural buildings within a farmstead. The buildings are all of architectural and historic interest and their setting contributes to an appreciation of their significance as part of an isolated historic farmstead within an open, agrarian landscape.

The site forms part of the wider agrarian landscape setting of the listed buildings and historically formed part of the same landholding. The Historic Environment Desk-Based Assessment (DBA) (March 2024) notes that the Tithe map and apportionment of 1838 identifies the fields comprising the site as being owned by the Duke of Bedford and occupied by Thomas Crabbe. Further research of the Tithe map and apportionment shows that Great Greenstreet Farm was owned and occupied by the same individuals. The site was therefore same ownership and cultivated as part of Great Greenstreet Farm historically.

The former farm buildings are located to the north of the site and are separated from it by Green Street and an area of open land between the north of the site and Stubbs Farm. There are some glimpsed views from the site to the listed buildings, however, the intervisibility is limited because of the existing hedgerow and tree planting along Green Street. The proposal will result in a change to the wider landscape setting of the historic farmstead through the loss of an open field, however, it is considered that mitigation measures including a robust landscaping scheme, appropriate site layout and sensitive building heights to the north of the site could minimise the impact.

Due to the immediate setting of the listed buildings within an open landscape being unchanged by the proposal, their distance from the site, the intervening open land south of Stubbs Farm, the existing hedgerow along Green Street, and the potential for mitigation, the proposal is not considered to cause harm to the significance of these four heritage assets.

### **Conclusion**

The proposal is considered to result in a considerable level of less than substantial harm to the significance of the Chorleywood Common Conservation Area through the loss of part of its open, agrarian landscape setting and the adverse impact of the environmental changes of the development. There is also an adverse impact on views from the eastern side of the Common within the Conservation Area looking north west towards the open landscape of the site. The harm is at a low to medium level, if it were considered on a spectrum of low, medium and high. The submitted DBA has found the same level of harm (see paragraph 6.11).

Whilst the proposal only removes part of the open landscape setting to the west of the Conservation Area, the wireframe diagram shown in View 10 illustrates the visibility of the proposed development and the negative impact of urbanising this aspect of the Conservation Area's setting.

Paragraph 208 of the NPPF should be applied. Consideration should also be given to paragraph 205 which affords great weight to the conservation of heritage assets.

9.1.25 Three Rivers District Council - Environmental Health (16 May 2024): [No objections, subject to conditions]

### **Air Quality**

I have reviewed Environmental Statement Chapter 7: Air Quality prepared by Hawkins Environmental Ltd.

The impacts of the demolition and construction phases will see the site designated as a high-risk site overall. However, with mitigation the residual effects are not considered to be significant. The assessment indicates that the impact of the operational phase of the proposed development will be "negligible". Mitigation is not considered to be necessary.

I would recommend that a condition requiring the submission of a dust management plan be applied to any permission granted. The Dust Management Plan should incorporate the measures presented in Section 7.7 of Chapter 7 of the ES.

### **Contamination Land**

I have reviewed the Preliminary Contamination Risk Assessment (Report ref. P23-356pra\_6.5) and the Ground Investigation (Report ref. P23-356pra) prepared by Paddock Geo Engineering.

The investigation undertaken did not identify concentrations of contaminants of concern that pose a risk to future users. However, the consultant states that due to the significant size of the site and that the objective of the investigation was to undertake an initial screening to inform the outline application, it is possible further focused and detailed investigation will be required (i.e. beneath the hardstanding of the yard, barn and silo etc.).

I would recommend the following conditions:

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

i) A further site investigation, based on the Preliminary Contamination Risk Assessment (Report ref. P23- 356pra\_6.5) and the Ground Investigation (Report ref. P23-356pra) prepared by Paddock Geo Engineering, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and



ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

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

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

9.1.26 Three Rivers District Council - Landscape Officer:

No response received at the time of drafting report.

9.1.27 Three Rivers District Council – Landscape Consultant (to review LVIA): [Comment received]

## **INTRODUCTION**

### **1.1 Purpose of this report**

1.1.1 This report presents the findings of an objective assessment of two separate landscape and visual impact assessments (LVIAs) submitted to Three Rivers District Council by Chiltern Hill Golf Club Ltd. The two applications are for differing proposals for residential development of the same site as follows:

- 24/0476/OUT - Outline Application, delivering up to 300 no. residential dwellings, associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems; and
- 24/0538/OUT - Outline Application, demolition of the existing farm building and development of up to 675 no. residential dwellings, a new two-form entry primary school, associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems.

1.1.2 In terms of the LVIA reporting they differ only within the sections describing the potential landscape and visual effects and proposed layout. This review therefore follows the same process and differentiation is only made with regards to the assessment of effects and design elements. The review has been undertaken in accordance with the Landscape Institute Technical Guidance Note 1/20, Reviewing LVIAs and LVAs as follows:

1. Checking the methodology used to undertake the assessment, the criteria selected (including balance between), and the process followed;
2. Checking the baseline, content and findings of the assessment;
3. Checking the presentation of the assessment findings.

1.1.3 The review has been undertaken with Stephenson Halliday's own objective and field-checked assessment to test the scheme in terms of potential landscape and visual impacts. The field survey was undertaken by a Chartered and experienced landscape architect from Stephenson Halliday, who is familiar with the site and its context.

#### **Site location, context and characteristics**

1.1.4 The site forms part of the southern side of a low ridge that runs to the south of the River Chess. The site itself consists of three fields, subdivided by post and wire fencing that is currently used for grazing livestock, with a barn located adjacent to the site's access off Green Street. The southern, eastern and western boundaries of the site are formed by mature hedgerow, tree and other garden vegetation which provides a softened green edge to the settlement of Chorleywood which adjoins its southern boundary.

1.1.5 The site is located within Metropolitan Green Belt between Chorleywood and Little Chalfont and within the Chilterns National Landscape which adjoins the northern and western edges of the former. The site is located on a south-east trending dry valley, typical of the dip slope landscape of the wider Chiltern National Landscape.

1.1.6 Chorleywood is located outside of the M25 London Orbital Motorway but connected to Greater London by the Metropolitan Railway, hence its description by Sir John Betjeman as 'essential Metro-land', characterised as a suburban, leafy character with relatively large detached and semi-detached houses set within gardens.

1.1.7 The two Outline Planning Applications seek to create residential development, and, in the case of the larger development, a primary school, to the more gently sloping upper levels of the site to the north and west, whilst creating a series of SuDS basins to the steeper south eastern slopes.

#### **Structure of this report**

1.1.8 This report is structured as follows:

- Section 1.2: Policies, guidance and standards.
- Section 1.3: Assessment Methodology and Significance Criteria.
- Section 1.4: Baseline Conditions.
- Section 1.5: Assessment of Effects
- Section 1.6: Summary and conclusions.

#### **Scope of the technical assessments**

1.1.9 The scope of the LVIAs, including the overall approach to assessment, extents of the study area, temporal scope, sources of information, level of baseline detail and number and location of viewpoint analysis is considered generally appropriate for the scale of the proposed development.

1.1.10 Details have been provided on consultation with the local planning authority and relevant stakeholders and the response of consultees with regard to the scoping opinion. Table 13.1 provides a summary of the scoping opinion comments and locations within the document that provide the applicant's response. This table records the comments and requirements with regards to the methodology, planning policy and guidance, study area, viewpoint locations and the approach for visualisations.

### **1.2 Policies, guidance and standards**

#### **Planning policy**

1.2.1 The LVIAs provide a review of international, national, regional and local planning policy including:

- The Council of Europe Landscape Convention, 2006-2007;
- A Green Future: Our 25 Year Plan to Improve the Environment (HM Government, 2018, updated 2019);
- The National Planning Policy Framework (NPPF) (September 2023);

- The National Planning Practice Guidance (NPPG) (February 2024);
- The National Design Guide (January 2021);
- Landscapes Review: Final Report ('Glover Report', 2018);
- Local Development Framework Core Strategy (Three Rivers District Council, Adopted October 2011); and
- Development Management Policies Local Development Document (Three Rivers District Council, July 2013).

1.2.2 The planning policy review acknowledges that, other than in exceptional circumstances, permission should be refused for applications for major development within Areas of Outstanding National Beauty (AONBs). The policy review omits other relevant paragraphs from the NPPF Chapter 15 relevant to the proposed assessments in terms of the protection of nationally valued landscapes (para. 180.a) and with regard to the protection of Green Belt.

1.2.3 The LVIA notes that the site forms part of the wider Chilterns National Landscapes and the requirement to protect and enhance the landscape of the site as such. Reference could have usefully been made to NPPF Chapter 15 paragraph 182 which states that the scale and extent of development should be limited within Areas of Outstanding National Beauty (AONB). In particular, planning permission, "should be refused for 'major development' other than in exceptional circumstances,". What constitutes 'major development' is a, "matter for the decision maker, taking into account its nature, scale and setting, and whether it could have significant adverse impact for the purposes for which the area has been designated...Consideration of such applications should include an assessment of...c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."

1.2.4 As stated within the LVIA submissions, the Chilterns Conservation Board considers the proposed development does constitute a 'major development'.

1.2.5 The starting point for the assessment of landscape and visual effects is therefore as a proposed development that constitutes a major development within a nationally protected landscape considered as valued in NPPF terms. This 'sets the bar' very high in terms of protecting and enhancing the landscape and visual resource.

1.2.6 Other planning policy, such as the NPPG and local planning policy, reiterates the requirement to afford significant protection and enhancement to these particularly important landscapes.

## **Local Planning**

### **Adopted TRDC Development Plan (Local Plan Core Strategy)**

1.2.7 A new Local Plan is currently in production. As this is not yet adopted the Local Plan Core Strategy, which was adopted in 2011, remains in force.

1.2.8 The 'Landscape Strategy' (2001), referenced within the Local Development Document (LDD July 2013) states that the Council will, "ensure that development complements the surrounding local landscape of Three Rivers as identified in the current Landscape Character Assessment, through the siting, layout, design, appearance and landscaping of development" and will consider:

- The development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change
- The pattern of woodlands, fields, hedgerows, trees, waterbodies, walls and other features
- The topography of the area." (p.28)

1.2.9 The landscape strategy must therefore clearly demonstrate that these criteria are fulfilled.

1.2.10 Within the Adopted TRDC Core Strategy the following policies are of relevance:

- Policy CP3: Housing Mix and Density. This states that that new development should, "Respect density levels within existing residential areas particularly within areas of special landscape and/or historic value in the District";
- Policy CP11: Green Belt: This states, inter alia, that the general extent of the Metropolitan Green Belt in the district will be maintained and that TRDC will

encourage appropriate positive use of the Green Belt and measures to improve environmental quality.

1.2.11 The reasoned justification for the policy furthermore notes the general presumption against inappropriate development in the Green Belt that would not preserve its openness, or which would conflict with the purpose of inclusion of land within the Green Belt.

### **Guidance and standards**

1.2.12 The LVIA's provide an up to date review of relevant guidance including:

- The third (2013) edition of 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA3), produced by the Landscape Institute with the Institute of Environmental Management and Assessment;
- The Landscape Institute, Visual Representation of Development Proposals Technical Guidance Note (2019); and
- Visual Representation of Development Proposals: Camera Auto Settings (Landscape Institute Technical Information Note 08/19, September 2019).

1.2.13 A description of the accurate visual representation (AVR) production methodology is provided in Appendix 13.2 which describes how the wireline model has been located within the photograph. A combination of annotated photographs (Type 1) and wireline images (Type 3) have been used as appropriate to the visibility of the scheme.

1.2.14 In the case of an LVIA prepared as part of an Environmental Impact Assessment (EIA), the Regulations (Reg. 18 (5)) stipulate that the developer must ensure that the Environmental Statement (ES) is prepared by 'competent experts' and that the developer must include a statement "outlining the relevant expertise or qualifications of such experts". The LVIA has been prepared by Mike Habermahl, CMLI, who, as stated in the ES Chapter 1, can be considered a 'competent expert' with regard to drafting the technical chapter.

### **1.3 Assessment methodology and significance criteria**

1.3.1 The assessment methodology within the LVIA's is stated as being based on the principles contained within the GLVIA3. The methodology for assessment of landscape and visual effects has been clearly separated. Overall levels of significance have been assessed in terms of the sensitivity of the resource affected (based upon its value and susceptibility to the development) and the magnitude of the effect, which complies with GLVIA3.

1.3.2 The LVIA's define the sensitivity of landscape and visual receptors as dependent on the importance / value of the receptor and its susceptibility to change. This approach is considered appropriate and based on guidance within GLVIA3.

1.3.3 The assessment of magnitude of effects is described in terms of the level of change experienced by the landscape or view. Explanation is provided in terms of the factors that enable the levels of magnitude to be judged. Sensitivity and magnitude are then combined to provide an overall level of landscape and visual effects in the form of significance of effects matrices in Tables 13.9 and 13.14. Likely significant effects are identified as those of 'moderate' significance or above. Assessment of nature of effect relies on what distinguishes effects as beneficial (resulting in enhancement), adverse (resulting in harm) or neutral (neither beneficial nor adverse). This approach is generally consistent with GLVIA3.

1.3.4 Whilst the methodology is broadly in accordance with GLVIA3, it is noted that at each stage of the assessment where criteria are combined, the tables do not allow for intermediate judgements to be made and instead, levels of effects are always rounded down. This is the case for the following:

- Table 13.4 – Overall Landscape Sensitivity;
- Table 13.9: Overall Significance of Landscape Effects;
- Table 13.12: Overall Sensitivity of Visual Receptor; and
- Table 13.14: Overall Significance of Visual Effects.

1.3.5 For instance, it is common practice for a combination of high and medium to result in a judgement of major-moderate, or at least a reasoned decision as to the choice of either major or moderate. This is not the case in these LVIA's with the effects judged as always

moderate at most. Whilst this selection is part of the professional judgement of the competent expert, it appears in this instance that such nuance has been removed by stipulating combined judgements always at the lower end of professional judgement.

1.3.6 It is therefore considered that the methodology is overly prescriptive and does not enable sufficient weighting of judgements to be made by the experienced professional. This prescriptive approach reduces the scope for professional decision making to provide a reasoned judgment between a higher and lower level of effect; effectively the decision is made by the matrices and not the competent expert. The matrices provided therefore tend to provide judgments that are towards the lower end of significance; GLVIA3 explicitly warns against an over reliance on matrices and tables (para 3.35, p.41). In the case of the assessment, judgements are all too readily defined by the matrices with no discretion used by the assessor to weigh the assessment through professional judgement.

1.3.7 This reviewer considers this to be a notable omission in the application of GLVIA3 methodology.

1.3.8 A description of the AVR production methodology is provided in Appendix 13.2 as noted above wherein it is stated that the latest guidance from the Landscape Institute (TGN-06-19 Visual Representation of Development Proposals) has been followed.

1.3.9 The visualisations provided state that a suitable viewing distance for the A3 sheet is 300mm despite the viewpoints apparently being made up of different number of combined images. It is therefore, unclear to this reviewer how these can be considered as providing, for instance a 100% enlargement of the original image.

1.3.10 The guidance sets a higher standard in terms of presentation of the photographic visualisations than appears to be presented within the LVIA's. The visualisations should be presented as Type 1 annotated viewpoint photographs at a scale and size that, "aids clear understanding of the view context". The LI guidance states a 'mathematically correct' image for a single image (of 39.6 degrees Horizontal Field of View) equates to a size of 390mm x 260mm on an A3 sheet, which should be held at a distance of approximately 550mm from the eye. Instead of this the photographic visualisations appear to be presented as wider panoramas of unspecified field of view to be held 300mm from the eye; the views, as presented, appear to significantly reduce the scale of view and are considered unhelpful and possibly misleading in terms of illustrating the view context.

1.3.11 Similarly, whilst the Type 3 visualisations provided may be accurately produced their presentation results in the same issues as the annotated AVR Level 1 (AVR1) views; namely, that the extent of development within the view appears to be less than would actually be experienced when standing at the viewpoint. This is particularly important when considering that the assessment stage where extent of the development in view effects the overall level of significance of effect. Whilst it may not be the case that the assessor has erred in using the AVR Level 3 (AVR3) images to assess views (although when accurately scaled they can be an extremely helpful tool) the images are likely misleading for other readers of the ES (officers, consultees and the general public) for whom it is particularly important that presented images aid clear understanding of the view context; essentially, the visualisations as presented, appear to significantly underestimate the extent of the proposed development within view.

1.3.12 This reviewer considers this to be a notable omission in the application of TGN-06-19 methodology.

1.3.13 It is typical for the temporal scope of major developments to be assessed in terms of effects experienced during construction, operation (year 0) in winter (worst case scenario) and summer (year 15) to allow for mitigation planting to be considered at a reasonable level of maturity. However, whilst the LVIA provides an assessment at construction and year 15 it completely omits a separate assessment at year 0.

1.3.14 The year 0 assessment would typically be the point at which the development results in maximum potential impacts upon the identified sensitive receptors. The report states that, "It is assumed that the landscape and visual effects at Year 0 (at completion) will be the same as during construction, so these have not been separately assessed."

1.3.15 GLVIA3 is clear that the duration of effects is a consideration in judging overall effects as per para 5.51. Relying on an assessment of short-term construction effects as representative of the operational effects is therefore likely to under assess medium to long

term effects of the scheme before proposed planting has matured sufficiently to form substantial mitigation. In the opinion of this reviewer this assumption cannot be not justified and worst-case levels of effect must be evidenced by a detailed landscape and visual assessment at winter year 0.

1.3.16 This reviewer considers this to be a notable omission in the application of GLVIA3 methodology.

#### **1.4 Baseline conditions**

1.4.1 The LVIA makes use of previously published landscape character assessments from a national and local level. These include discussion of the key characteristics, condition and sensitivity of the existing landscape context. This approach enables an understanding of the effect of the development on the existing landscape context within the study area and provides a suitable level of detail for the assessment of landscape effects.

1.4.2 The LVIA describes the national (NCA110) and county (Hertfordshire Landscape Character Assessment Character Area 2 Heronsgate Heights) landscapes as enclosed and visually contained due to the gently undulating topography, hedgerow enclosed fields and generally well-wooded nature of the landscape. The Herts LCA assesses the landscape to be of the highest condition and strength of character for which the management strategy is to safeguard and manage.

1.4.3 With the exception of the golf course, the landscape to the west of Green Street is similar in nature to that of the site and is relatively enclosed and of a somewhat rural and peaceful character. The Chilterns LCA (2011) covers the landscapes to the west of Green Street and describes the landscape (LCA 18.3 Little Chalfont Rolling Farmland) as being of small to large sized pasture fields with hedgerows interspersed with woodland within a rolling landscape.

1.4.4 The land to the north extends to pasture fields and discrete residential and business developments of some former farm buildings. South of the site is identified as urban area which the LVIA describes as of low to medium density and single to two storey outside of the village high street. To the east are large detached properties in a wooded setting beyond which lies Chorleywood Common Area of Open Access and Local Nature Reserve.

1.4.5 The LVIA provides an adequate description of the baseline conditions including a review of landscape character areas within the study area.

#### **1.5 Assessment of effects**

1.5.1 The LVIA's provide a value judgement of landscape receptors and of views in the form of Tables 13.16 and 13.17. The judgements with regards to landscape receptors are agreed to as they primarily respond to the LCA and designated landscape assessments. There are, however, inconsistencies with the value of views for the users of the 'private' footpath to the north of the site and of properties to the east and south of the site which have views into the AONB. A 'worst case' scenario should be taken in terms of properties which may have seasonal views from the property or its curtilage to within the AONB, which, as elsewhere in the assessment, should result in a high value of view and of sensitivity.

1.5.2 The judgements with regards to susceptibility are also questioned. GLVIA3 provides a useful categorisation of the scale over which effects may be experienced: the site; its immediate setting; the landscape character area within which the proposal lies; several LCAs. In the case of the proposed developments the scale of effect is primarily the site and its immediate setting although the impact on the LCA is also important. The assertion that the levels of susceptibility for the immediate site setting are lower than for the site itself are predicated on the overall visibility of the site. However, as per GLVIA3 para 5.40, the judgement should relate to the susceptibility of the receptor to the 'absorb' the changes to the landscape baseline. This reviewer would argue that, where these changes are perceived from within the immediate site setting, which includes parts of the urban area of Chorleywood, Chorleywood Common and various local footpaths, the susceptibility and therefore overall sensitivity should remain high.

1.6 To provide a comparison of effects, this reviewer has undertaken an assessment of landscape and visual effects for both schemes based on the Stephenson-Halliday

Methodology, as attached at Appendix 1. The results of these assessments are provided in Appendix 2 (300 dwellings) and Appendix 3 (675 dwellings) for the two schemes.

## **Construction**

### **Landscape effects**

1.6.1 The overall judgement of landscape effects within the LVIA during the construction of the 300 unit scheme are somewhat reduced in comparison to that within the Stephenson-Halliday review, as illustrated in Table 1 below. In particular, this reviewer maintains that landscape effects for LCA 2: Heronsgate Heights (site setting) would be significant during construction.

1.6.2 Based on the assessment for the construction phase, the reviewer maintains that there would be major/moderate adverse effects experienced at the level of the site and moderate adverse effect to its setting for the three-year construction period for the 300 unit scheme. Although 'temporary' in nature, this is considered a short-term significant adverse effect for the landscapes effected.

1.6.3 The overall judgement of landscape effects within the LVIA during the construction of the 675 unit scheme are broadly agreed to within the Stephenson-Halliday review, as illustrated in Table 2 below. Significant effects are described for the landscape of the site and LCA 2; Heronsgate Heights (site setting). The assessments are based on the significant scale of changes and the total loss of pasture fields to development and the influence this would have to the immediate setting of the site.

1.6.4 The provision of an indicative phasing programme would have helped in the understanding of construction impacts with a project of this scale and sensitivity. However, based on the assessment for the construction phase, it can be assumed that there would be significant adverse effects experienced at the level of the site and its setting for the eight year construction period for the 675 unit scheme. Although 'temporary' in nature, this is considered a significant medium-term adverse effect for the landscape and visual receptors effected.

### **Visual effects**

1.6.5 Similarly, the overall judgement of visual effects within the LVIA during the construction of the 300 unit scheme are somewhat reduced in comparison to that within the Stephenson-Halliday review, as illustrated in Table 1 below. The LVIA has assessed significant adverse effects for users of the private footpath to the north of the site and PRoW Chorleywood 014 to the south, but not Chorleywood 011 to the north; this reviewer maintains that walkers on the latter would experience significant adverse effects during construction.

1.6.6 Based on the assessment for the construction phase, the reviewer maintains that there would be moderate adverse effects experienced for PRoW 011 for the three-year construction period for the 300 unit scheme. Although 'temporary' in nature, this is considered a significant short-term adverse effect.

1.6.7 The overall judgement of significant visual effects within the LVIA during the construction of the 675 unit scheme are broadly agreed to, as illustrated in Table 2 below. Significant effects are described for the local footpaths and Chorleywood Common. The assessments are based on the significant scale of changes and the total loss of pasture fields to development and the influence this would have to the immediate setting of the site.

1.6.8 The provision of an indicative phasing programme would have helped in the understanding of construction impacts with a project of this scale and sensitivity. However, based on the assessment for the construction phase, it can be assumed that there would be significant adverse effects experienced at the level of the site and its setting for the eight year construction period for the 675 unit scheme. Although 'temporary' in nature, this can be considered a significant medium-term adverse effect for the visual receptors effected.

## **Completed Development**

### **Landscape effects**

1.6.9 It has been described in section 1.3.14 – 1.3.16 how the assessment is deficient in assessing the worst case completed development scenario. Neither LVIA is considered

complete without an assessment of the year 0 winter effects of the proposed developments. From a review of the effects as described, the reviewer would expect that there would be significant adverse long-term and irreversible landscape and visual impacts that are not reported within the current LVIAs.

1.6.10 The overall judgement of landscape effects within the LVIA during the operational (year 15) stage of the 300 unit scheme are somewhat reduced in comparison to that within the Stephenson-Halliday review, as illustrated in Table 1 below. In particular, this reviewer maintains that landscape effects for LCA 2: Heronsgate Heights (site setting) would be significant during operation. Based on the assessment for the operational phase, the reviewer maintains that there would be major adverse effects experienced at the level of the site and major/moderate to moderate adverse effect to its setting for the 300 unit scheme. This is considered a permanent significant adverse effect for the landscapes effected.

1.6.11 Similarly, the overall judgement of landscape effects within the LVIA during operation of the 675 unit scheme are somewhat reduced in comparison to that within the Stephenson-Halliday review, as illustrated in Table 2 below. This reviewer maintains that landscape effects for LCA 2: Heronsgate Heights (site setting) would be significant during operation. Based on the assessment for the operational phase, the reviewer maintains that there would be major adverse effects experienced at the level of the site and major/moderate adverse effect to its setting for the 675 unit scheme. This is considered a permanent significant adverse effect for the landscapes effected. The assessments are based on the significant scale of changes and the total loss of pasture fields to development and the influence this would have to the immediate setting of the site.

### Visual effects

1.6.12 The overall judgement of visual effects within the LVIA during the operational (year 15) stage of the 300 unit scheme are somewhat reduced in comparison to that within the Stephenson-Halliday review, as illustrated in Table 1 below. In particular, this reviewer maintains that effects for recreational users of Chorleywood common and associated footpaths, would be significant.

1.6.13 Based on the assessment for operational stage, the reviewer maintains that there would be moderate adverse effects experienced by such recreational receptors for the lifetime of the 300 unit scheme. This is considered a permanent significant adverse effect for this popular recreational resource. Similarly, the other local footpaths and residential areas in close proximity to the site would experience permanent significant adverse effects as illustrated in Table 1.

1.6.14 The overall judgement of visual effects within the LVIA during the construction of the 675 unit scheme are broadly agreed to in terms of whether significant or not. These include significant adverse long-term/permanent and irreversible visual impacts on footpath users to the north, west and south of the site, from Chorleywood Common and from the private dwellings to the south and west of the site. However, in each case, the level of harm assessed in each judgement is reported as less within the LVIA reporting, in comparison to the Stephenson-Halliday review.

1.6.15 These effects would equate to considerable harm of the landscape and visual resource of the area in contradiction to national and local planning policy and landscape guidance.

Table 1: Comparison of Landscape & Visual Effects: 300 no. dwellings  
Effects in bold are considered to be 'significant'; Negligible effects are not included

Receptor	Construction effects	Operational effects Year 0	Operational effects Year 15
<b>Landscape effects</b>			
<b>LVIA: Site</b>	<b>Moderate adverse</b>	Not assessed	<b>Moderate adverse</b>
<b>SH: Site</b>	<b>Major-Moderate adverse</b>	<b>Major adverse</b>	<b>Major adverse</b>
<b>LVIA: LCA 2 Heronsgate Heights (site setting)</b>	Minor adverse	Not assessed	Minor adverse



Receptor	Construction effects	Operational effects Year 0	Operational effects Year 15
<b>SH:</b> LCA 2 Heronsgate Heights (site setting)	<b>Moderate adverse</b>	<b>Major-Moderate adverse</b>	<b>Major-Moderate to Moderate adverse</b>
<b>LVIA:</b> Chorleywood urban area	Negligible	Not assessed	Minor adverse
<b>SH:</b> Chorleywood urban area	Minor adverse	<b>Moderate adverse</b>	Moderate-Minor adverse
<b>Visual effects</b>			
<b>LVIA:</b> Private footpath to the north of the site.	<b>Moderate adverse</b>	Not assessed	<b>Moderate adverse</b>
<b>SH:</b> Private footpath to the north of the site.	<b>Major-Moderate adverse</b>	<b>Major adverse</b>	<b>Major-Moderate adverse</b>
<b>LVIA:</b> Green Street.	Negligible to Minor adverse	Not assessed	Negligible to Minor adverse
<b>SH:</b> Green Street.	Moderate to Moderate-Minor	<b>Moderate adverse</b>	Moderate to Moderate-Minor
<b>LVIA:</b> PRoW Chorleywood 011.	Minor adverse	Not assessed	<b>Moderate adverse</b>
<b>SH:</b> PRoW Chorleywood 011.	<b>Moderate adverse</b>	<b>Major-Moderate adverse</b>	<b>Major-Moderate to Moderate adverse</b>
<b>LVIA:</b> Chorleywood Common.	Minor adverse	Not assessed	Minor adverse
<b>SH:</b> Chorleywood Common.	Moderate-Minor adverse	<b>Moderate adverse</b>	<b>Moderate adverse</b>
<b>LVIA:</b> Users of PRoW Chorleywood 014.	<b>Moderate adverse</b>	Not assessed	<b>Moderate adverse</b>
<b>SH:</b> Users of PRoW Chorleywood 014.	<b>Major-Moderate adverse</b>	<b>Major adverse</b>	<b>Major-Moderate adverse</b>

Table 2: Comparison of Landscape & Visual Effects: 675 no. dwellings  
*Effects in bold are considered to be 'significant'; Negligible effects are not included*

Receptor	Construction effects	Operational effects Year 0	Operational effects Year 15
<b>Landscape effects</b>			
<b>LVIA:</b> Site	<b>Major adverse</b>	Not assessed	<b>Moderate adverse</b>
<b>SH:</b> Site	<b>Major to Major-Moderate adverse</b>	<b>Major adverse</b>	<b>Major adverse</b>
<b>LVIA:</b> LCA 2 Heronsgate Heights (site setting)	<b>Moderate adverse</b>	Not assessed	Minor adverse
<b>SH:</b> LCA 2 Heronsgate Heights (site setting)	<b>Moderate adverse</b>	<b>Major-Moderate adverse</b>	<b>Major-Moderate adverse</b>
<b>LVIA:</b> Chorleywood urban area	Minor adverse	Not assessed	Minor adverse
<b>SH:</b> Chorleywood urban area	Moderate to Moderate-Minor adverse	<b>Moderate adverse</b>	<b>Moderate adverse</b>
<b>Visual effects</b>			
<b>LVIA:</b> Private footpath to the north of the site.	<b>Moderate adverse</b>	Not assessed	<b>Moderate adverse</b>
<b>SH:</b> Private footpath to the north of the site.	<b>Major-Moderate adverse</b>	<b>Major adverse</b>	<b>Major adverse</b>
<b>LVIA:</b> Green Street.	Minor to Moderate adverse	Not assessed	Negligible to Minor adverse
<b>SH:</b> Green Street.	Moderate to Moderate-Minor	<b>Moderate adverse</b>	Moderate to Moderate-Minor
<b>LVIA:</b> PRoW Chorleywood 011.	<b>Moderate adverse</b>	Not assessed	<b>Moderate adverse</b>

Receptor	Construction effects	Operational effects Year 0	Operational effects Year 15
SH: PRoW Chorleywood 011.	Major-Moderate adverse	Major adverse	Major-Moderate adverse
LVIA: Chorleywood Common.	Moderate adverse	Not assessed	Moderate adverse
SH: Chorleywood Common.	Moderate adverse	Major-Moderate to Moderate adverse	Major-Moderate to Moderate adverse
LVIA: Users of PRoW Chorleywood 014.	Major adverse	Not assessed	Moderate adverse
SH: Users of PRoW Chorleywood 014.	Major to Major-Moderate adverse	Major adverse	Major to Major-Moderate adverse

### Effects on Designated Landscapes

1.6.16 The LVIAs provide no separate consideration as to the effects of the proposed development on the Chilterns National Landscape. Whilst the explanation and judgements on landscape value, as set out in Tables 13.10 and 13.18, appear generally reasonable, the LVIAs appear to minimise the impacts of the scheme on the Special Qualities of the site as defined by the AONB Management Plan.

1.6.17 For instance, in Table 13.16 the LVIAs state that, “Whilst the area does not represent the features associated with the highest quality landscapes associated with the Chilterns... the Landscape Character Assessment considers it to be in ‘good’ condition and of ‘strong’ character.” The landscape of the site clearly displays the classic Chilterns dipslope, described in the Special Qualities of the Chilterns AONB Management Plan as follows:

“A large proportion of the AONB is covered by plateau and dipslope as the land gradually falls away to the east and Greater London. Though less visible and striking than the scarp, this landscape forms a key part of the classic Chilterns landscape.

The topography is complex, with areas of plateau dissected by long, narrow, often dry valleys.”

1.6.18 What the LVIAs dismiss as features not representative of the highest quality landscapes are actually considered a “key part of the classic Chilterns Landscape”. In addition, the site also displays relative tranquillity and dark skies that are also included as part of the Special Qualities of the Chilterns.

1.6.19 This lack of recognition of the importance of the Special Qualities of the landscape is continued to within the assessment. In Table 13.18 the susceptibility of the landform and overall sensitivity is described as medium as the proposed development may result in “localised earthworks”. The extent of earthworks required to develop the large scale attenuation basins to the area of the dipslope is not clearly represented in the ES, but such features would clearly require more than superficial earthworks. These works would change the special character of the dip slope by the creation of engineered terraces and basins that would be completely alien to this typical Chilterns topography.

1.6.20 This lack of recognition of effects upon the Special Qualities of the landscape continues to the significant under evaluation of landscape effects to the site and its setting within the LVIAs, as illustrated by Tables 1 and 2 above. The LVIAs report only moderate adverse permanent effects on the site landscape in comparison to the Stephenson-Halliday assessment of major adverse effects. Similarly, effects on the local landscape setting are described as minor adverse in the LVIA as opposed to major-moderate to moderate adverse in the Stephenson-Halliday assessment.

1.6.21 This under assessment appears to be the result of the methodological anomalies already described in Section 1.3 above, and the substantial under evaluation of effects on the Special Qualities of the Chilterns National Landscapes that would be affected by the proposed development.

### Effects on the Green Belt

1.6.22 The LVIA provides no consideration as to the effects of the proposed development on the Green Belt. In particular the primary Green Belt purpose of relevance is Purpose 3: To assist in safeguarding the countryside from encroachment, and with particular reference to the openness of the Green Belt. The Town Planning Statement prepared by Savills as part of the application, notes that, with regard to the Green Belt, the NPPF states:

- Paragraph 142, which notes the key aim of Green Belt is to prevent urban sprawl by keeping land permanently open – ‘the essential characteristics of Green Belts are their openness and their permanence’. No further definition as to what constitutes openness is otherwise provided, however; and
- Paragraph 143 which reinforces the above by defining the Five Purposes of Green Belt land.

1.6.23 The Planning Statement goes on to state that with regards to “openness”, the PPG states that:

- “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.”

1.6.24 A number of recent pieces of case law and precedent have sought to reach clarity in the definition of openness in the context of Green Belt.

1.6.25 Most notably these include the 2020 Judgement in the Supreme Court in relation to the case of R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (appellant), hereafter referred to as the ‘Samuel Smith case’. Whilst this judgement was in relation to a minerals development and had a very different context, it establishes a valuable and informative precedent and also comes from the UK’s highest court. The primary question before the appeal in that case was whether the County Council as the mineral local planning authority had correctly understood the meaning of openness in the context of Green Belt.

1.6.26 The Judgement by the Supreme Court in the Samuel Smith case made reference to the earlier decision in the Court of Appeal and the leading judgement by Lord Justice Lindblom, which noted the potential relevance of visual impact in considering openness of the Green Belt.

1.6.27 Following review of a number of other Green Belt cases of relevance, the Judgement noted that the consideration of visual effects in contributing to impact on the openness of Green Belts is a matter ‘not of legal principle, but of planning judgement for the planning authority or the inspector’.

1.6.28 The emphasis of the LVIA’s has been to state the enclosed nature of the site. It has identified that the site has intervisibility with receptors to a localised extent and that effects on openness to the wider landscapes, particularly to the west are limited by intervening topography and mature vegetation. However, it fails to note the loss of openness that would result to the site itself should either of the proposed schemes be constructed.

1.6.29 In particular, whilst permanent effects on the site landscape are described as moderate adverse and its environs minor adverse, there is no mention of the loss of openness that would result as a result of new built form on completion. The proposed boundary mitigation planting would only further emphasise the loss of openness in an attempt to hide or soften the dense suburban edge of the scheme. Considering the heights of proposed dwellings of up to 12.5 m, it appears reasonable to conclude that views would be generally of the tops of built form above the proposed planting. The proposed screen planting itself would therefore potentially emphasise the loss of openness across the site experienced by local receptors. This reviewer cannot therefore agree with the conclusions of the LVIA that permanent effects of the proposed development will often be less than those for the construction stage.

1.6.30 The review of landscape and visual effects using the Stephenson-Halliday methodology has judged that permanent effects would generally increase over those during construction, with no effects judged to decrease as illustrated by Tables 1 and 2 above. It is this reviewer’s judgment that the dense urbanisation of an area of existing open countryside would result in significant adverse landscape and visual effects as the result of a loss in openness of the site.

1.6.31 Both of the proposed schemes would result in an increase in built development on currently open green fields, resulting in a substantial local diminishment of physical openness in the land adjacent to Green Street. Whilst some compensatory interventions are proposed it is noted that the main area of open space, 'Great Greenstreet Park' would be required to contain the large attenuation basins needed for the scheme. It is noted that the topographical engineering required to develop the proposed attenuation basins would so alter the existing dip-slope so as to render it unrecognisable as a natural feature. It is therefore not considered that such compensation could potentially offset or reduce the degree of the harm from loss of Green Belt land.

1.6.32 Local views would clearly be foreshortened as a result of the proposed development as demonstrated within the submitted LVIA's. The significant adverse effects described in the LVIA to the private footpath to the north, PRoW 011 and 014 to the east and south and adjacent local residencies, although not mentioning openness, note the increase in views of built infrastructure.

1.6.33 Whilst the opinion as to whether the proposed development is inappropriate in the Green Belt context is a matter for planning judgement, the observations from the Stephenson-Halliday assessment is summarised as follows:

- There would be a physical impact on openness and a concomitant degree of encroachment and associated localised harm to the Green Belt;
- The proposed development would therefore materially change the characteristic of land which is currently free of development;
- In terms of the visual dimension of openness, the key issue is the local effects which would be experienced in near distance views from footpaths and residential receptors from where there would be a fundamental change to the open character of views as a result of the presence of the proposed development;
- With regard to key middle distance views, notably from Chorleywood Common, impacts on the visual dimension of openness and associated visual foreshortening would be localised considering the wider proportion of the view. The proposed development would therefore contribute to encroachment into the countryside at a local level; and
- The primary compensatory provision and landscape and environmental mitigation provided in the form of Great Greenstreet Park is not in character with the site, its context and with the wider countryside.

### **Cumulative Effects**

1.6.34 Cumulative effects have been considered for the proposed recreational development to the west of Green Street which would include a golf driving range and protective netting and a plateau for football pitches and floodlighting. The assessment of cumulative effects within the LVIA's appears to minimise the suburbanising influence these two proposals would have together, positioned either side of Green Street on the entrance to the village of Chorleywood. This would particularly be the case during winter months and at night when illuminated. It is considered that such effects have the potential to be significant and adverse upon the landscape of the AONB and road users entering the village along Green Street as a result of the suburbanisation of the countryside including the loss of tranquillity and relatively dark skies.

### **Design and Mitigation**

1.6.35 The LVIA chapter includes a description of the landscape strategy in terms of section 13.5 Inherent Design Mitigation, which are intended to reduce landscape and visual impacts.

1.6.36 Both applications are considered as large-scale major development because the residential units to be constructed are in excess of 200 units. The vision and objectives should set out the design quality and expectations for the extension to Chorleywood and how its edge of settlement relationship with the AONB, Greenbelt and Conservation Areas will affect the future character and existing communities.

1.6.37 Although the illustrative layout and Design and Access Statement (DAS) attempt to achieve this it cannot be avoided that this is a major proposed development in a

sensitive area. The DAS which accompanies the ES should reflect the 10 characteristics set out in the National Design Guide to set the parameters for the design quality. These include context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan. A review of the landscape strategy for both developments is provided below.

1.6.38 **Layout** – Both schemes would constitute a major urban extension to Chorleywood in an edge of settlement, AONB and Green Belt location and are therefore inappropriate and by definition harmful to the Green Belt (NPPF para.152-154). The layout of the 300 unit development appears somewhat ‘cut-out’ from the larger 675 unit scheme with a few minor edge amendments; it essentially appears as a first phase of the bigger development whereas it should have been considered as a standalone scheme. It is still considered as large-scale major development and therefore not appropriate to the site.

1.6.39 The reviewer has been unable to ascertain the proposed density of either of the proposed development layouts, however, they are clearly of high density in a sensitive edge of settlement location. An edge of village density within an AONB would be expected to be around 20dph and approximately 60% developable area, however this development does not appear to achieve this percentage. The high density also results in features such as the Local Areas for Play being pushed to the periphery of the site whereas they should be integrated into the scheme. Even with better design it is unclear how such large schemes can positively respond to the AONB and Green Belt designations. The structural planting to the edges attempts to ‘hide’ the scheme but the development should better respond to its context with lower densities and greater green infrastructure.

1.6.40 **Indicative Form, Scale and Housing Mix** – Potential Height of Buildings, Core Policy CP3 Housing Mix and Density (TRDC Core Strategy) states ‘Respect density levels within existing residential areas particularly within areas of special landscape and/or historic value in the District’. The scale and extent of this scheme should be limited given its sensitivities with the landscape and designations. The application fails to demonstrate how appropriate 3-storey apartments blocks are within the setting of the AONB. The justification needs to respond to the Chilterns Building Design Guide to review the distinctive character that could be created.

1.6.41 **Movement** – The layout is of a dense suburban type where it should better respond to a rural edge settlement vernacular within an AONB. The introduction of more substantial green spaces to within the housing areas illustrated on some of the earlier design iterations has been replaced with dense suburban housing with green space pushed to the periphery or the ‘Great Greenstreet Park’.

1.6.42 **Green Infrastructure and Open Space** – The open space provision appears low for the scale of the development considering it will have to combine SUDs, biodiversity, play facility and physical activity. As a multifunctional space, Great Greenstreet Park needs to demonstrate how all these aspirations will co-exist; it is not sufficient to label areas as habitat/ecological areas when heavy recreational use is likely to preclude this and the proposed scheme fails to quantify these areas. The SUDs appears particularly problematic with large areas required for attenuation basins as set out in the Flood Risk Assessment. These large attenuation basins would require considerable cut and fill earthworks and quite possibly engineered retention structures, located as they are to the steepest slopes of the site. They would undoubtedly significantly alter the topography of the existing archetypal dip slope landform within the AONB. No sections are provided to illustrate how this could work and it is considered that the necessary earthworks would cause significant harm to the existing landscape resource of the site.

1.6.43 To summarise, both schemes indicate major development to the edge of Chorleywood of a scale that is inappropriate to its location within the AONB and Green Belt. The fact that the design appears to try to ‘hide’ the development behind buffer planting is indicative of its inappropriate design and density within the proposed location. This aside, the proposed designs do not sufficiently demonstrate how a scheme with such a high density of development and with such limited green infrastructure can deliver sufficient and/or well located formal and informal play and amenity space, wildlife areas cycle and footpath links. Even with better design it is unclear how such a large scheme can positively respond to the AONB and Green Belt designations.

## **1.7 Summary & conclusions**

### **Scope & Guidance**

1.7.1 The scope of the LVIA has been developed in conjunction with the LPA and is generally sufficient for the level of development; Table 13.1 provides a useful reference to locate the applicant's responses to information requests. The planning policy and guidance is generally appropriate for the purposes of the assessment, however, a similar table would have been useful to provide a commentary as to how the proposed development was compliant with planning policy.

1.7.2 The LVIA is clear from the outset that the site is located within an NPPF designated valued landscape and that both of the developments constitute 'major development'. There is, therefore, an implicit requirement that the proposed developments demonstrate that they protect and enhance the landscape and visual resource of the valued landscapes.

1.7.3 Although Green Belt is not a landscape designation, a commentary on how the proposed developments effect its key attributes would have been appropriate in this location. No such review is provided.

### **Methodology**

1.7.4 There are a number of issues with the methodology which question the validity of the LVIA.

1.7.5 Overall, there appears to be a somewhat over reliance on matrices that steer judgements towards the lower end of significance. In the view of this reviewer, there is insufficient professional judgement applied to view the assessment 'in the round'.

1.7.6 The presentation of the photography and AVRs appears to fall short of the standards expected within the current LI guidance with the result that the images do not aid clear understanding of the view scale that would be experienced in the field. Images of the site and proposed development extents appear to be illustrated as misleadingly small.

1.7.7 Notably, the LVIA completely omits a separate worst-case assessment of effects of the operational development that should be made as of winter year 0. In the opinion of this reviewer this cannot be justified and worst-case levels of effect must be evidenced by a detailed landscape and visual assessment at winter year 0 for such a large scale and potentially harmful development.

### **Assessment of Effects**

#### **Landscape and visual effects**

1.7.8 The reviewer finds that the judgements for a number of local visual receptors (parts of the urban area of Chorleywood, Chorleywood Common and various local footpaths) with potential views into the AONB should be of high and not medium sensitivity.

1.7.9 The reviewer maintains that there would be moderate to major significant adverse effects experienced at the level of the site and its setting for the three-year construction period for the 300 unit scheme. Although 'temporary' in nature, this can be considered a medium-term significant adverse effect for the landscape and visual receptors effected.

1.7.10 The LVIA demonstrates that there would be a major significant adverse impact experienced at the level of the site and its setting for the eight year construction period for the 675 unit scheme. Although 'temporary' in nature, this can be considered a medium-term significant adverse effect for the landscape and visual receptors effected.

1.7.11 As described, neither LVIA is considered complete without an assessment of the year 0 winter effects of the proposed development. From a review of the effects as described, the reviewer would expect that there would be significant adverse long-term/permanent and irreversible landscape and visual impacts that are not fully reported within the current document.

1.7.12 These include landscape impacts on NCA10, LCA Area 2 Heronsgate Heights, the 'townscape' setting of Chorleywood and the AONB landscape at the scale of the site and its immediate setting and for the effects on the site landform and the pasture field.

1.7.13 Similarly, from a review of visual effects, these include significant adverse long-term/permanent and irreversible visual impacts on footpath users to the north, west and south of the site, from Chorleywood Common and from the private dwellings to the south and west of the site.

1.7.14 Even so, the LVIA judgements as they stand, find that there will be significant adverse long-term/permanent and irreversible landscape and visual impacts within the site and its setting. These effects would equate to considerable harm to the landscape and visual resource of the area in contradiction to national and local planning policy and landscape guidance. In other words, the proposals do not demonstrate the protection and enhancement of the landscape and visual resource that would be required to enable such development in this location.

### **Effects on designated landscapes**

1.7.15 The LVIA provides no separate consideration of the effects of the proposed development on the Chilterns National Landscape and appears to minimise the impacts of the scheme on the Special Qualities of the site as defined by the AONB Management Plan. In particular, the importance of the site's dip slope topography is not sufficiently recognised or effects evaluated.

1.7.16 The extent of earthworks required to develop the large scale attenuation basins to the area of the dip slope is not clearly represented in the ES. It is considered that these works would change the special character of the dip slope by the creation of engineered terraces and basins that would be completely alien to this typical Chilterns topography. The LVIA considerably under assesses the overall levels of effect to the site and its setting as a result of this omission.

1.7.17 This under assessment appears to be the result of the methodological anomalies already described above, and the substantial under evaluation of effects on the Special Qualities of the Chilterns National Landscapes that would be affected by the proposed development.

### **Green Belt**

1.7.18 The LVIA provides no consideration as to the effects of the proposed development on the Green Belt. In particular the primary Green Belt purpose of relevance is Purpose 3: To assist in safeguarding the countryside from encroachment, and with particular reference to the spatial and visual aspects of openness of the Green Belt.

1.7.19 The LVIA fails to note the loss of openness that would result to the site itself should either of the proposed schemes be constructed. Whilst the opinion as to whether the proposed development is inappropriate in the Green Belt context is a matter for planning judgement, we summarise below the observations from our assessment as follows:

- There would be a physical impact on openness and a concomitant degree of encroachment and associated localised harm to the Green Belt;
- The proposed development would therefore materially change the characteristic of land which is currently free of development;
- Visual effects would be experienced in near and middle distance views from footpaths and residential receptors from where there would be a fundamental change to the open character of views as a result of the presence of the proposed development.

1.7.20 The primary compensatory provision and landscape and environmental mitigation provided in the form of Great Greenstreet Park is not in character with the site, its context and with the wider countryside.

### **Cumulative effects**

1.7.21 Cumulative effects have been considered for the proposed recreational development to the west of Green Street. The assessment appears to minimise the suburbanising influence these two features would have together, particularly during winter months and at night when illuminated. It is considered that such effects have the potential to be significant and adverse upon the landscape of the AONB and road users entering the

village along Green Street as a result of the suburbanisation of the countryside including the loss of tranquillity and relatively dark skies.

### **Design and Mitigation**

1.7.22 Both schemes indicate major development to the edge of Chorleywood of a scale that is inappropriate to its location within the AONB and Green Belt. The fact that the design appears to try to 'hide' the development behind buffer planting is indicative of its inappropriate design and density within the proposed location.

1.7.23 This aside, the proposed designs do not sufficiently demonstrate how a scheme with such a high density of development and with such limited green infrastructure can deliver sufficient and/or well located formal and informal play and amenity space, wildlife areas cycle and footpath links. Even with better design it is unclear how such large schemes can positively respond to the AONB and Green Belt designations.

### **Summary**

1.7.24 The reviewer questions the application of the assessment methodology in terms of an assessment that is overly reliant on matrices and tables with insufficient room for professional judgement in the round.

1.7.25 The AVR1 and AVR3 images presented appear misleading and should be sized correctly.

1.7.26 The LVIA omits an assessment of the worst-case scenario (year 0 winter) which should be standard for a development of the scale proposed. The LVIA should not be considered as complete without this.

1.7.27 This reviewer considers that there will be significant adverse long-term/permanent and irreversible landscape and visual effects in addition to those reported to within the LVIA.

1.7.28 The LVIA provides no separate consideration of the effects of the proposed development on the Chilterns National Landscape and appears to minimise the impacts of the scheme on the Special Qualities of the site as defined by the AONB Management Plan.

1.7.29 The LVIA provides no consideration as to the effects of the proposed development on the Green Belt, in particular with reference to Purpose 3: To assist in safeguarding the countryside from encroachment, and with particular reference to the spatial and visual aspects of openness of the Green Belt.

1.7.30 Cumulative impacts with regard to the proposed recreation development to the west of Green street appear under reported.

1.7.31 Both schemes indicate major development to the edge of Chorleywood of a scale that is inappropriate to its location and it is unclear how such large schemes can positively respond to the AONB and Green Belt designations as currently designed and assessed in the application.

1.7.32 Even considering the level of effects reported to within the LVIA, these equate to considerable harm to the landscape and visual resource of the area in contradiction to national and local planning policy and landscape guidance. The proposals do not, therefore, demonstrate the protection and enhancement of the landscape and visual resource that would be required to enable such development.

9.1.28 Three Rivers District Council – Leisure Development Team: [No Comment received]

No comments received.

9.1.29 Three Rivers District Council – Local Plans Team (18 July 2024): [Comment received]

The National Planning Policy Framework (NPPF) (2023) states planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan). The statutory status of AONBs is confirmed at Paragraph 182 of the NPPF, which states that AONBs have the highest status of protection in relation to issues of conserving and enhancing the natural environment. The NPPF states that great



weight should be given to conserving and enhancing landscape and scenic beauty in this landscape designation. The Chilterns AONB is therefore considered to have the highest status of protection in relation to the issue of conserving and enhancing landscape and scenic beauty. The NPPF goes on to state that the scale and extent of development within these designated areas should be limited and planning permission should be refused for major development, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest (Paragraph 183). It is not considered that the existing proposal for up to 300 dwellings is likely to constitute a limited scale and extent of development and therefore exceptional circumstances and a demonstration that the development is in the public interest must be shown.

In addition to the above, Policy DM7 of the Development Management Policies LDD (2013) states that in considering proposals for development within or near the Chilterns AONB, the Council will support development unless the proposal would:

- i. Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design or external appearance of, or the type of form of, development
- ii. Detracts from the setting of the AONB and has an adverse impact on views into and out of the area
- iii. Detracts from the public enjoyment of the AONB landscape.

Paragraph 183 of the NPPF states the requirement for an assessment of:

- a. The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b. The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c. Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

The considerations set out above should be taken into full account in determining the exceptional circumstances necessary to justify major development in the AONB.

The application site is located in the Metropolitan Green Belt. The NPPF states that the construction of new buildings in the Green Belt is inappropriate. The exceptions to inappropriate development are not considered to apply to the proposal and therefore, the proposal is considered to propose inappropriate development. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 152). Policy CP11 of the Core Strategy states that 'there will be general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it'. It is considered that a major development comprising of up to 300 dwellings would be likely to fail in preserving the openness of the Green Belt and subsequently the proposal is not considered to comply with Policy CP11. Additionally, the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 152). Paragraph 153 of the NPPF sets out that '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.

In light of the above, exceptional circumstances and a demonstration that development would be in the public interest are necessary to justify approval for the major development proposed in the AONB (Paragraph 183). As well as this, it is important to consider that any application would be required to assess the cost of and scope for developing land outside of the designated AONB area, which may accommodate a proportion of Three Rivers' housing need that is proposed on the application site. An assessment of the scope for

meeting the housing need in some other way (e.g. through an alternative site) must be made in order to justify development within the designated AONB area (Paragraph 183). Additionally, unless the potential harm to the Green Belt is judged to clearly outweigh other considerations, very special circumstances must be shown to exist to justify inappropriate development in the Green Belt.

Policy CP2 of the Core Strategy (adopted October 2011) advises that in assessing applications for development not identified as part of the District's housing land supply, including windfall sites, applications will be considered on a case by case basis having regard to:

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

Whilst the site is located outside of an existing settlement boundary, it adjoins and is bounded (to the east and south) by the key centre of Chorleywood. Given that the site adjoins the settlement boundary of Chorleywood and its proximity to transport links and facilities, it is considered that the site is located within a sustainable location.

The Council can not currently demonstrate a five-year supply of housing land as required by the NPPF and currently has a 1.9-year housing land supply. The delivery of up to 300 dwellings would make a significant and positive contribution to much needed housing provision within the district. Additionally, there has been an undersupply of affordable housing within the district throughout the plan period and as such there is a pressing need for the delivery of affordable housing. The submitted planning statement states that development proposes 45% affordable housing, which would make a significant and positive contribution to the delivery of much needed affordable housing within the district.

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

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

The table below sets out the illustrative housing mix (as set out within the submitted Planning Statement):

<b>Unit Type</b>	<b>% Split</b>	<b>Number of Units</b>
<b>Market Housing</b>	<b>55%</b>	<b>165</b>
1 bed	19%	16
2 bed	34%	56
3 bed	40%	81
4 bed	7%	13
<b>Affordable Housing</b>	<b>45%</b>	<b>135</b>
1 bed	30%	41
2 bed	35%	47

3 bed	30%	41
4 bed	5%	7

The proposal is not strictly in accordance with Policy CP3. Whilst not complying with indicative targets, current market conditions need to be taken into consideration. Policy CP3 recognises that a proposed housing mix may need to be adjusted for specific schemes to take account of market information and specific site factors; where adjustment to the proportions is sought, applications should explain how relevant factors have contributed to the mix of housing proposed

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

25% First Homes  
70% social rented, and  
5% intermediate

According to the planning statement, the development proposes 45% affordable housing with a policy compliant tenure split, therefore complying with Policy CP4.

Whilst not located within a conservation area, the site partly adjoins the boundary with the Chorleywood Common Conservation Area. Paragraph 208 of the NPPF sets out that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

9.1.30 Three Rivers District Council – Housing (10 May 2024): [Comment received]

Policy CP4 of the Adopted Core Strategy requires 45% of new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. As a guide the tenure split should be 70% social rented, 25% first homes and 5% shared ownership

The Local Housing Market Assessment (2020) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be 40% 1-bed units, 27% 2-bed units, 31% 3-bed units and 2% 4 bed units.

However, identified need for affordable housing based on the current housing register and the family composition of customers that have been in temporary accommodation provided by the Council suggests the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units. The main requirement is for 2 bed 4 person units, as we have a high requirement for family sized accommodation to ensure that families in temporary accommodation provided by the Council are offered a permanent and suitable property within a satisfactory time frame.

It is noted that you are proposing a total of 300 dwellings, with a policy compliant 45% (135), of the dwellings to be provided as affordable housing. Whilst the sizes of these 135 dwellings to be provided as affordable housing has not been provided in detail, it is encouraging to see that you intend to provide a good mix of different size accommodation and the guide tenure split suggested by the Council will be followed.

I can confirm that Housing Services would support this application in principle, on the basis that 70% of the affordable housing to be provided is at social rent and the size of dwellings provided fulfils our current requirements.

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

#### 9.1.31 Thames Water (3 May 2024): [No objection]

##### **Waste Comments**

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

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

Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "The development shall not be occupied until confirmation has been provided that either:- 1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan." Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (e-mail: [devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)) prior to the planning application approval.

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

##### **Water Comments**

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

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

#### 9.1.32 Transport for London (23 April 2024): [Comments received]

Thank you for consulting Transport for London (TfL) on the above planning applications. Due to the proximity to Chiltern Rail and Metropolitan Line services from Chorleywood station we have reviewed both of the above applications in terms of access to and capacity of public transport. We have also identified opportunities for mitigation where impacts are expected

##### **Access**

For the previous applications we noted that the route to the station from the site for pedestrians and cyclists is undulating and indirect and there is currently no frequent bus connection. There is likely to be a need for improvements to existing walking / cycling infrastructure in and around Chorleywood to accommodate increased trips. This could include improved all weather surfacing, lighting and crossing facilities, removal of vegetation and improved personal safety or security measures. Additional cycle parking in and around the station should also be provided. A lack of alternatives to access the station may lead to an increase in car use which we would not want to encourage. The existing station car park is regularly full to capacity on weekdays so further restrictions to prevent parking on streets in a wider area around the station may be required. It is understood that these issues have been the subject of discussions between the local transport authority and the applicants. We welcome improved provision for cycle parking at Chorleywood station and improved access routes from the development site to the station as part of the current applications.

##### **Capacity**

For the previous applications TfL requested an assessment of line loading and station capacity which is currently restricted by the ticket gates. The applicant's consultants carried out a technical assessment which demonstrated that there was a need for an additional ticket gate to cater for the additional trips generated by the development. The principle of a contribution was agreed by the applicant and was to form part of a section 106 agreement. TfL is pleased to note that the transport assessments for both of the current applications retain this commitment which needs to be carried forward into any new section 106 Heads of Terms. We supplied initial estimated costs for installation of the ticket gate of £500,000 in 2021 although the exact costs will need to be confirmed through feasibility and design work, for which we will need to be provided with a cost indemnity letter or other form of funding agreement. Costs will have risen in the intervening period and so will need to be index linked from 2021. TfL has not yet carried out any detailed feasibility, design or costing work and we would expect the full capital and revenue costs associated with the works to install a new ticket gate to be met. We would also reserve the right not to proceed with the works if there is any financial risk to TfL or if we believe at some future point that the works are no longer required or not viable.

In terms of line loading it should be noted that the transport assessments state that Metropolitan Line capacity will have a uplift of 33% as part of the 4LM (4-Line Modernisation) programme. However the improvements on the Metropolitan branch serving Chorleywood would have been much lower than the quoted uplift and that improvement is now on hold. The potential uplift in capacity will be limited to the central section and so this statement should be removed. Line loading is not likely to be adversely affected by the trips generated by the development even without the capacity increase. This does not change the requirement for a new ticket gate to address station capacity constraints.