

8. 18/1296/OUT - Outline Application: Erection of up to 70 dwellings (Use Class C3) and a 75 bed care home (Use Class C2), with associated new access (appearance, landscaping, layout and scale reserved) at FORMER LITTLE FURZE JUNIOR MIXED INFANTS SCHOOL, GOSFORTH LANE, SOUTH OXHEY, WATFORD, HERTFORDSHIRE, WD19 7RE (DCES)

Parish: Watford Rural

Ward: South Oxhey

Expiry of Statutory Period: 26.09.2018

Case Officer: Claire Westwood

Recommendation: That Planning Permission be GRANTED subject to conditions.

Reason for consideration by the Committee: Called in by Watford Rural Parish Council.

UPDATE

An issues report was considered by Members at the Planning Committee meeting on 16 August 2018. In addition to discussing the application, Members resolved that they would make a site visit prior to determining the application at a subsequent committee meeting. The report has been updated following the August meeting.

1 Relevant Planning History

- 1.1 15/1806/PREAPP - 75 person care home and residential development of up to 48 dwellings including access and associated works. Closed. Summary:

There is no objection in principle to a mixed development of general needs housing and a care home, however the site is allocated for housing with an indicative capacity of 75 dwellings and there would be concern should a proposed development lead to a significantly lower level of housing being delivered on the site.

2 Description of Application Site

- 2.1 The application site is on the south side of Gosforth Lane, South Oxhey. It was previously in education use and accommodated Little Furze JMI School, however the school was closed in December 2004 and the site has been vacant since.
- 2.2 The whole site has an area of 5.6ha and includes an area previously associated with the school (approximately 3.6ha) and an area of dense woodland to the east (approximately 2ha). The former school site is allocated within the Site Allocations document as a housing site (reference H(27)) with an indicative capacity of 75 dwellings. The allocated site area was also removed from the Green Belt on adoption of the Site Allocations document.
- 2.3 The woodland to the east, as well as land to the south and west of the former school site form part of Oxhey Woods which is designated as a Local Nature Reserve, a Local Wildlife Site, and Publicly Accessible Open Space and is part of the Metropolitan Green Belt.
- 2.4 To the north east part of the site are the former school buildings which comprise a number of single and two storey buildings with flat roof forms which have a staggered footprint. Surrounding the building is tarmac hardstanding. Further hardstanding to the north of the buildings is provided for a parking area accessed via a crossover from Gosforth Lane at the north east of the site. A second crossover approximately 28m to the west serves a service road which runs towards the western part of the site where it is understood that there was previously a second school building, now demolished. There is a pedestrian access at the north west of the site. There are further areas of hardstanding to the south

east of the school buildings which were used for play. The remainder of the site is grass and scrub with some trees and larger vegetation.

2.5 Land levels fall steeply from the south towards the north of the site reducing by approximately 28m, and generally fall across the site towards the west although there are raised man-made terraces at the west of the site.

2.6 To the north of the application site are residential dwellings to the north side of Gosforth Lane which are generally two storey terraced properties finished in brick or render, some of which have implemented extensions and alterations including the provision of roof level accommodation.

3 Description of Proposed Development

3.1 This application seeks outline planning permission for the erection of up to 70 dwellings (Use Class C3) and a 75 bed care home (Use Class C2), with associated new access. The matters of appearance, landscaping, layout and scale are all reserved matters.

3.2 An illustrative masterplan has been submitted with the application and demonstrates how the access would be provided to the north-east of the site from Gosforth Lane. The illustrative masterplan also shows how the site could be developed, however, this is indicative only as the matters of appearance, landscaping, layout and scale are all reserved matters at this stage.

3.3 The application is accompanied by:

- Archaeological Desk Based Assessment
- Biodiversity Checklist
- Affordable Housing Statement
- Ecological Appraisal
- Flood Risk Assessment
- Geotechnical Investigation
- Transport Assessment
- Tree Survey and Arboricultural Impact Assessment

4 Consultation

4.1 Statutory Consultation

4.1.1 Watford Rural Parish Council: [Objection]

I write in connection with the above planning application. WRPC have examined the plans and local councillors know the site well. Although the Council do not object to the building of housing and a care home we would like Three Rivers Planning Department and its Planning Committee to take into consideration the following issues around infrastructure before allowing this application to pass:

1. There are current or planned developments numbering 608 houses or flats. In your Local Development Framework under section CP8 Infrastructure and Planning obligations you state that a development will a) Make a positive contribution to safeguarding or creating sustainable, linked communities b) Offset the loss of any infrastructure through compensatory provision."

As you aware Watford Rural were granted zero monies under the Community Infrastructure Levy (mainly based on TRDC's incorrect prediction that our house prices would rise 4%. They currently stand at 25% growth since this decision was made.) As we are restricted to Herts County Council and Three Rivers District Council allocating S106 payments we would ask Herts County Council, as landowner and Three Rivers District

Council as the local planning authority to reinvest heavily in South Oxhey in particular.

It is well documented that a secondary school is required for the parish schoolchildren. Incredibly, the ten nearest Secondary Schools to South Oxhey are all in Hillingdon, Harrow, Watford or Bushey. If you take the nearest school, Northwood, there are no direct bus or train connections, so children must use a school bus. However, any extra curricula school activities will demand children be dropped off by car. Therefore, the demand for personal transport is heightened. It is also our understanding is that all year 7 Northwood School places are filled.

This further backed up by the Community Strategy for three Rivers (2006-2012) as defined in Priority 4: "Facilitate the provision of education services, sport, recreation and open space facilities". South Oxhey Primary Schools are now struggling to cope: Woodhall school has vacancies only for reception and years 4, 5 & 6, Greenfield school has vacancies only for years 4, 5 & 6, Bushey & Oxhey infant school has no vacancies. St Joseph's catholic primary school is understood to be over subscribed.

Recent developments have created the loss of four of the community's pubs. The Jet, The Grapevine, The Ox and the Crescent Club. Meeting places such as these helped build the strong community spirit that exists in South Oxhey. Nothing has been proposed by TRDC to replace these vital meeting places.

Barring the skate park, tennis courts and football pitch near the Pavillion there is little else in the way of opportunities for the young in the area to express themselves. The developments are going to bring in an influx of young families and where is anything planned for them?

South Oxhey recently lost a doctor's surgery very close to two large redevelopments. Again, where are the plans to replace this as currently local opinions state that waiting times are far longer now as our existing two surgeries in the area struggle to cope. More housing will lead to even longer waiting times.

The Need for infrastructure when planning is clearly outlined by TRDC 's Spatial Vison from the Local Development Framework Core strategy;

Point a) *"To provide growth required to support local communities and provide for their needs in the most sustainable way possible" The amount of redevelopment is not being matched for sustainability by Three Rivers. Our current infrastructure will not cope with this massive influx of residents without budget spend by Three Rivers.*

Point b) *"To locate growth in the most sustainable locations in terms of access to services and transport networks and impact on the environment" Again, WRPC believes that South Oxhey ailing Bus Service is not being invested in and recent cuts to services have not helped. This is further backed up by the Local Development Framework Core Strategy Adopted 17/10/11 as it states: (Page 4) 2.2 "There is therefore a need to enable and promote more sustainable modes of transport to improve travel options, increase access to services and reduce the environmental impacts of travel"*

Point f) *"To support growth with appropriate investment in infrastructure to ensure that new and existing communities can access services that they require" This statement is clearly not being followed if you look at the above points made.*

2. Before application is passed can TRDC make the community aware whether this will lead to closures of existing care homes, many of whose residents would be severely troubled by moving from what is their home at such a late stage in life. WRPC believe that this new care should not be built at the expense of existing ones. We must cater for the

large number of elderly in the area which is much higher than the national and county average in South Oxhey.

3. In the Transport assessment document point 3.2.3 it confirms that currently vehicles are parked either wholly or partially on the pavements on both sides of the road clearly showing there are issues with parking in the area. Local objections raised mention parking consistently and having another redevelopment with minimum parking to enable the development to squeeze as many houses on as possible will only add to this problem.

4. Point 5.5.6 states that based on TRDC's parking standards the care home will have 19 spaces, 5 disabled spaces and one for PTW's. With a proposed staffing level of 39 this will leave a severe shortage of parking for visitors and staff and they will undoubtedly use Gosforth Lane and the surrounding roads to park, again, adding to the problem.

They intend to also levy an accessibility zone reduction further reducing the "normal" parking spaces at the care home to 11. Clearly not enough for staff and visitors and even those in the care home able to still drive. TRDC must take this into account as Parking is a major issue in the area currently.

5. With only 100 assigned spaces there will be 52 cars looking to park on the street which will cause further congestion and safety issues in what is already a very compact plan. This will also exacerbate the concerns of TRDC's Environmental Protection workers when they collect waste.

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

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

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

This application does not follow these guidelines.

8. Further in section CP12 of the Local development Framework you state you will: "Protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space" The height of the development will mean many of these houses will be overlooking those on Gosforth Lane and the surrounding roads. Their right to privacy must be upheld as the new builds will have sightlines into gardens and bedrooms that previously did not exist.

9. Before any application is passed WRPC respectfully ask TRDC to ensure that the following consultees comments are looked into and their objections followed namely:

Environmental Protection: TRDC's manager states they "cannot see any reasonable turning for our refuse and recycling freighters". This must be redesigned to allow their

vehicles to collect waste in a way that protects your TRDC operatives and those people who will live in the planned area.

Herts & Middlesex Wildlife Trust: They raise four strong objections, partly accepted on 18/7 by Lambert Smith Hampton and points they didn't accept are arguable.

Herts Flood: They impose four strong conditions, recognizing there is a flood risk on the site, as has been pointed out by other objectors to this proposal. To quote one Gosforth Lane resident: "Flooding, the key evidence will be the severe flooding to the West of the site which resulted in a large bund being created to prevent rainwater causing damage to the houses in Gosforth Lane. Also, during the severe rainfall of 2016/17 (Not sure of the date) two classrooms and the boiler room of St Joseph's school to the East of the site were made unusable. HCC instigated provision of a ditch to prevent a further repeat of this, but its effect has not yet been proven. Water from the wood to the South of the site frequently runs off the site into the storm drains in Gosforth Lane. Evidence of this can be seen on Google Street view. Should the housing be put on the site there should be clear flood management provision in the proposed development."

Finally, please note that our submission is in respect of the proposed development. While we have taken every effort to present accurate information for your consideration, as we are not a decision maker or statutory consultee, we cannot accept any responsibility for unintentional errors or omissions and you should satisfy yourselves on any facts before reaching your decision.

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

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

1) Prior to the commencement of demolition works details of all proposed contactors/ staff parking, methods of dust control, timing and routes to be employed by construction vehicles, construction access arrangements and construction wheel washing facilities shall be submitted to and approved in writing by the Local Planning Authority. These details should be submitted in the form of a Construction Management Plan.

Reason: To minimise danger, obstruction and inconvenience to users of the highway.

2) All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by with the highway authority prior to commencement of the development.

Reason: In the interests of highway safety and free and safe flow of traffic.

3) Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular(but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site.

Reason: To minimise the impact of construction vehicles and to protect the amenity of the local area.

Highway Informatives

HCC recommend inclusion of the following Advisory Notes (ANs) to ensure that any works as part of this development are carried out in accordance with the provisions of the Highways Act 1980 and other relevant processes.

AN1) *Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website*

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

AN2) *Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to willfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website*

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

AN3) *Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.*

Proposal

Permission is sought for the erection of up to 70 dwellings (Use Class C3) and a 75 bed care home (Use Class C2), with associated new access (appearance, landscaping, layout and scale reserved)

The response to question 17 in the application form reports that there would be 49 market houses/ flats, 15 social rented houses/ flats and 6 intermediate houses/ flats making a total of 70. Since it is for outline permission, the numbers of different sized units are not specified. Paragraph 5.5.9 in the Transport Assessment indicates that the likely development mix would be 48 2-bedroom dwellings, 14 3-bedroom dwellings and 8 with 4+ bedrooms. Car parking provision of 152 spaces, with 100 assigned spaces.

The response to question 18 in the application form reports that there would be 75 bedrooms in the proposed care home.

Application documents relevant to highways & transport

The completed application form was accompanied by a Site Location Plan drawing, a Proposed Layout drawing, a Design & Access Statement (DAS) and a Transport Assessment (TA).

Site description

The site is occupied by a state primary school that ceased to operate 2004.

Adjacent road network

This is described accurately in section 3.2 of the TA.

Access

The response to the first parts of question 6 in the application form indicates that a new access for vehicular access would be created as well as one for pedestrian access.

The site is currently accessed by vehicles from two points on Gosforth Lane at the eastern end of the site frontage. A single pedestrian point of access is also taken from Gosforth Lane located towards the western boundary. All the vehicular and pedestrian access points are gated.

Vehicles would access the proposed development would lie between the two existing ones opposite 154 Gosforth Lane. The principal of making access at this point was agreed to by the highway authority in pre application discussions in December 2017. Also agreed were the parameters of the internal road layout as follows:

- i. Provision of a new 6m wide access road with 1.8m wide footways on both sides.*
- ii. Proposed new access located 20m from Blairhead Drive in accordance with HCC Standards for junction spacing.*
- iii. Bellmouth radii of 8m.*
- iv. Visibility splays of 2.4m x 43m and 4.5m x 90m, to the east and west of the access.*
- v. Existing vehicular accesses to be closed and footway reinstated alongside Gosforth Lane.*
- vi. Existing pedestrian access from the northwest of site to be retained.*

Parking

The response to question 10 in the application form reports that parking would be provided on site for 178 cars/ vans and no cycles.

Current proposals for the site identify a development mix of 48 2-bedroom dwellings, 14 3-bedroom dwellings and 8 4+ bedroom dwellings. This gives rise to a car parking provision of 152 spaces, with 100 assigned spaces according to the TRDC standards. TRDCs standards call for 24 cycle parking spaces.

Assuming 37 non-residential members of staff members for the 75-bed care home gives rise to a car parking provision of 19 spaces, with 5 allocated for disabled use and 1 for PTWs according to the TRDC standards.

Should the development proceed, a Traffic Regulation Order (TRO) would be required to remove/alter the existing yellow SCHOOL KEEP CLEAR markings along the site frontage. Any other road markings or signage relating to the school use would also need to be removed.

Traffic impact

The current situation is summarised adequately in section 4.1 of the TA. This indicates that the current local road network operates well within capacity. The future situation is discussed in section 6.2. I concur with its findings that the trips likely to be generated by the proposed development are significantly lower than those created by the former school. The school afternoon peak would have been earlier, of course, than those of the care home and residential element but I am content that the local road network could cope with this slight shift in loading.

Road safety

Section 4.2 of the TA indicates that some speeding takes place in both directions past the site. Section 4.3 summarises collisions data which I am content does not suggest that the development would have a negative impact on safety.

A Stage 1 Road Safety Audit was carried out in November 2015 on the proposed access into the site from Gosforth Lane. This identified that there is reduced visibility to the east of the junction due to the crest of the hill, which may result in vehicle conflicts. It recommended that advanced warning signs are provided on the westbound approach to

the access. The audit also recommended that suitable crossing provisions are provided across the proposed junction.

Internal road layout

The response to the third part of question 6 in the application form indicates that new public highway would be created.

There is no mention in the TA of the developer anticipating offering roads and/ or footways for adoption by the highway authority.

Accessibility of the site

This is described accurately in sections 3.3 and 3.4 of the TA.

There are footways in place on both sides of all the roads in the vicinity of the site. 1.8m wide footways are proposed along both sides of the new vehicular access into the site. The existing pedestrian access to the north west of the site would be retained as part of the proposals. Although not classed as formal cycle route, Gosforth Lane is designated as a bicycle-friendly road with bicycle bypasses at buildouts for example. Formal cycle routes within the development have not been considered as part of the current proposals however, the 6m wide internal road network is considered suitable to cater for cyclists in accordance with Roads in Hertfordshire Design Guide Chapter 12 which recommends that the hierarchy of cyclist provision is followed, with preference to promote on road cycling as first choice.

I would have expected a development of this nature and size to be accompanied by a Framework Travel Plan to be worked up to full TP status should the scheme come to be delivered.

Planning obligations

The highway authority will seek contributions to strategic highway and transport improvements from TRDCs CIL levy fund.

Recommendation

Hertfordshire County Council (HCC) as Highway Authority does not wish to object to the proposed development subject to the imposition of appropriate conditions and informatives.

4.1.3 Herts and Middlesex Wildlife Trust: [Objection]

Objection: 1. No 15m buffer to ancient woodland on eastern aspect of development. 2. DEFRA Biodiversity Impact Calculator required to demonstrate no net loss or net gain to biodiversity. 3. Ecological report not compliant with BS 42020. 4. Ecological surveys not completed.

The concept of development on this site is not contested. The issue is - has enough mitigation or compensation been provided and definitively described to prove the statements within the ecological report claiming potential net gains in biodiversity value, as required by the Three Rivers Local Plan and NPPF?

1. Ancient Woodland buffer

Natural England 'standing advice' on the impacts of development on ancient woodland is a material consideration in the planning process. <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

This states that mitigation measures for development bordering ancient woodland should include:

leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland or tree (depending on the size of the development, a minimum buffer should be at least 15 metres)

The buffer on the eastern side of this development is not 15m. The plans must be altered to reflect this requirement or the application refused.

2. The Ecological Appraisal (Elmaw consulting January 2018) claims a net gain in biodiversity is possible i.e.

'p.3 For the development to demonstrate a no net loss of biodiversity and a net biodiversity gain, in addition to the proposed mitigation measures, a number of enhancement measures are proposed'

This statement has not been objectively assessed in a repeatable and measurable way. It is a matter of opinion. In order to legitimately claim that the development can deliver no net loss or net gain to biodiversity for the habitats that are proposed to be lost, it must employ an objective mechanism to measure these impacts; i.e. the DEFRA metric or Biodiversity Impact Calculator (Environment Bank 2015). This is the most objective way of assessing no net loss or net gain on a habitat basis. It assesses ecological value pre and post development and has been upheld by the planning inspectorate as an appropriate mechanism for achieving the ecological aims of NPPF.

Within the CIEEM EclA guidelines (which is referenced in the report), the DEFRA metric (which forms the basis of the biodiversity offsets concept) from which the BIC is derived is described thus:

'Biodiversity offsets have a formal requirement for measurable outcomes. The main requirement is to quantify losses (through effects) and gains (through offsets) using the same 'metric', for example hectares of habitat of a particular quality. Using an offset metric in this way provides for transparency of outcome and enables explicit demonstration of 'no net loss'

It is possible that the development as proposed is capable of delivering no net loss or net gain, but this must be clearly demonstrated by applying the calculator. It will also give more direction as to what habitats could be created within the green infrastructure to meet the requisite net number of ecological units. The habitat creation suggestions in the report are welcome but must be quantified to legitimately claim net gain. The calculator will enable this to be quantified.

3. British Standard 42020: Biodiversity – Code of Practice for Planning and Development. Unauthorised deviation from these survey standards will not be accepted.

BS 42020 states:

'8.1 Making decisions based on adequate information

The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:

h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'

Clear definitive proposals that address this point are required. Impacts should be understood and quantified by using the calculator, not subjectively stated, and measures put forward that ensure net gain to biodiversity.

A number of recommendations have been included in the ecological report but are not stated definitively, e.g. 6.2.1

It is suggested that these measures could be delivered by way of condition but until they are expressly proposed in a measurable way, i.e. at the outline stage, there is no guarantee that they are sufficient to deliver no net loss or net gain. They are welcome and sensible but there is no way of knowing if they are enough. These statements are not compliant with BS 42020 because they are merely suggestions and not quantified, fully described, definitive proposals. In order to properly understand what is being proposed, all ecological measures must be clearly stated and marked on maps. For example, integrated or free hanging bat boxes are recommended but not definitively translated into the plans. In order to properly understand what is being proposed all ecological measures must be clearly proposed, quantified and marked on maps. BS 42020 states:

'6.6.2 An ecological report should avoid language that suggests that recommended actions "may" or "might" or "could" be carried out by the applicant/developer (e.g. when describing proposed mitigation, compensation or enhancement measures). Instead, the report should be written such that it is clear and unambiguous as to whether a recommended course of action is necessary and is to be followed or implemented by the applicant.'

This information is pertinent at an outline stage. If the calculator is run and generates a score of 20 units for example, the ecological report and development design must demonstrate that it is capable achieving this baseline ecological unit score, before the LPA can be reassured that net gain will be delivered. Proposed mitigation or compensation must be measured in order for claims of net gain to be considered legitimate. The need for measured net gain was underlined in the Govt's recently released 25 year vision (A Green Future: Our 25 Year Plan to Improve the Environment 2018 p33). At this point the LPA can have no evidential confidence that this site can deliver this in any meaningful way.

4. In accordance with the ecological report, protected species surveys are also still outstanding. ODPM circular 06/05 states:

99. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.

In this instance the ecological report provides legitimate worst case scenario mitigation or compensation. The completion of surveys and the requirement for fully described mitigation and compensation measures, consistent with the conceptual measures proposed in this report, before development can commence, must be made a condition of this planning decision, or provided before determination.

Details of relevant wildlife legislation and planning policy and guidance are given at the end of this email.

4.1.4 Herts Ecology: [No Objection]

1. There is no existing ecological information on the school site within the Herts Environmental Records Centre. However the surrounding Oxhey Woods is of substantial

ecological importance locally as a Local Nature Reserve, largely of ancient semi-natural woodland. Ancient woodland borders the site on the east and west boundaries. Although the woodland on the western boundary was present in the 1880s it does not appear to have been present in the 1820s, consistent with the name Furze Field which would have referred to gorse or bracken.

2. The site has been subject to a number of ecological surveys. The most detailed was undertaken in 2014 and was 'updated' in 2017. This was more of a walkover survey to assess any significant changes and therefore ecological implications.

3. I am satisfied that the surveys provide an adequate assessment of the site, at least sufficient to establish the planning principle for land use in respect of this application. It is clear some surveys will need updating, but this is acknowledged and will be required in any event given a licence will be required for the loss of what was a low status bat roost. The longer the site remains undeveloped, the greater the ecological interest will develop in places although this is inevitable. However the key issue is that the essential intrinsic ecological value of the application site is relatively low – in fact it may be enhanced by the adjacent woodland, although it provides local value at the site level. On this basis I do not consider it represents a fundamental constraint on the redevelopment of the site as proposed.

4. Further bat surveys will be required to fully inform the development. However, mitigation has been outlined and based on existing information, I consider this to be sufficient to satisfy the third Habitats Regulations test. Nevertheless, if the further surveys are not undertaken as part of a reserved matters application, I advise they should be secured by a Condition of Approval.

5.1 A population of slow worms are present; these are well known in this part of South Oxhey, associated also with Prestwick Road Meadows and previous development there. It can safely be assumed that if the site remains relatively unmanaged, this population will remain and probably expand as the grassland habitat becomes more suitable at least for a period. Any loss of the site due to management / clearance without considering the slow worms would be a criminal offence.

5.2 However, on this basis I am not convinced that further surveys to assess presence / absence are required as they are known to be present. Clearly they will need to be translocated off of the site consistent with Best Practice, given that they would not be able to survive the works and subsequent extent of available habitat created within the site. If present within the surrounding woodland, some may return to peripheral areas if disturbance and cat predation are not a limiting factor. This approach will be a necessity whatever the population is, given translocations are now largely a technicality and they can be moved whatever the size of the population. The likelihood of success for this should, however, be a consideration and would influence the location and nature of the proposed receptor site.

5.3 Therefore, a programme of trapping and appropriate translocation should be undertaken if this application is approved. Whilst the long term survival of any such population ought to be achieved elsewhere, this is now a well-established process and would not represent a constraint on the proposals. This is best secured by a Condition of approval, for which a method statement should be provided to TRDC prior to the works taking place so that the translocation can be agreed prior to implementation.

6. I consider the 15m buffer zone advocated by Natural England should be provided adjacent to the ancient woodland and the recent woodland where possible, given all woodland habitat is now contiguous around the site. Management of the buffer should contribute to enhancing biodiversity within the development site, and would best be achieved by creation of wildflower grassland and a mowing regime suitable to maintain

the quality of the habitat. This should be detailed within a landscape / ecology management plan as a reserved matter or Condition of approval.

7. The school site currently provides a soft edge to this part of the woodland boundary, primarily due to the former grassland school informal recreation area and rough grass/scrub, which dominated much of the site. More importantly, this site represents one of only two edges to the whole Oxhey Woods complex which are not characterised by an urban environment. The current proposals will remove this open space, grassland, scrub and trees which will be reduced to small pockets around the new buildings and infrastructure. On balance, even with an enhanced buffer zone, I consider this represents a net loss of biodiversity as the nature and use of the site - even when in previous use – already provided a buffer and additional local habitat adjacent to the woodland. Consequently this resource will effectively be lost and its extent will not be replaced within the new development.

8. Furthermore, the DAS states (5.19) ‘the surrounding woodland provides substantial opportunity to create an attractive public realm to the benefit of both residents and views from the street’. Whilst this is true, it can only also substantially increase the local disturbance to the adjacent woodland as a result of recreation pressure, noise, increased lighting and litter. Whilst access to nature is an aim of the LNR, this development will not contribute to the maintenance or enhancement of this adjacent woodland area and its ecology, parts of which were already subject to extensive litter when surveyed some years ago. Although the buffer may help to reduce this impact a little, this would be a small strip of open land which if also disturbed, will compromise its own ecological contribution to the Green Infrastructure and adjacent woodland. Consequently, I consider this issue should be considered as part of the reserved matters and should be addressed by proposals to deliver biodiversity offsetting.

9. In this respect, I note that the applicant also owns the adjacent woodland to the east. From memory this is an area dominated by neglected coppice, of limited structural diversity and relatively low ecological value, although it is obviously ancient semi-natural woodland and of high importance for that reason. Nevertheless, it is clearly an area which could be re-coppiced if resources were made available as part of a biodiversity offsetting exercise. This would increase the structural and, so, ecological diversity of this area which would benefit the local habitat as well as its invertebrate and bird communities. Many other areas of Oxhey Woods are high forest with standard trees, so coppicing is not an option to enhancing biodiversity locally. However I consider this would provide an appropriate and locally highly valuable approach to biodiversity offsetting through enhancement of the woodland by traditional management, consistent with the aims of NPPF. This would also provide opportunities for community engagement and education. Ultimately it should be considered as part of a programme of works for this site under the auspices of a S106 agreement. It should also complement the existing Management Plan for the site.

4.1.5 Herts Property Services: No comments at time of writing.

4.1.6 Development Plans: [No Objection]

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

the dwelling capacity for the site. As set out in the Three Rivers Housing Land Supply (2017), the Council uses a conversion ratio of 4 bedrooms in C2 use equating to 1 market dwelling; a 75 bed care home equates to approximately 19 dwellings. The proposal for 70 dwellings and a 75 bed care home is therefore higher than the indicative capacity identified for the site. Policy CP3 of the Core Strategy (adopted 2011) states that the density of development should be considered on its merits, taking into account the need to:

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

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

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

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

These proportions should form the basis for the housing mix of development proposals. At this stage, the proposed housing mix is unclear; information at a later stage should confirm the proposal's provision of the necessary size and type of dwellings identified in the SHMA (2016). The Core Strategy recognises that these proportions may need to be adjusted taking account of market information, housing needs and preferences and specific site factors. If adjustment to the proportions of housing mix set out in the SHMA (2016) is sought, sufficient information should be provided on how relevant factors have contributed to the mix of housing proposed.

Policy CP4 of the Core Strategy states that all new development resulting in the net gain of one or more dwellings will be expected to contribute to the provision of affordable housing. Around 45% of all new housing needs to be affordable, unless it can be clearly demonstrated that this is not viable. The Affordable Housing SPD (July 2011) states that Policy CP4 does not apply to residential accommodation which is in institutional use (i.e. accommodation that is not self-contained). Policy CP4 therefore does not apply to the residential care home (Use Class C2: Residential Institution) which is proposed as part of the application. The application proposes 21 affordable dwellings, meaning that 30% of total housing provision is proposed as affordable. This affordable housing contribution fails to meet the 45% provision requirement set out in Policy CP4. Policy CP4 states that as a guide, the tenure split of affordable housing provision should be 70% social rented and 30% intermediate. Of the 21 affordable dwellings proposed, 71% are proposed as social

rented and 29% are proposed as intermediate, complying with the tenure split set out in Policy CP4.

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

- Whether the building has been made vacant for the sole purposes of re-development.
 - Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.
- These circumstances may indicate that VBC is not necessary to bring the vacant or redundant site forward for development, with the intention of national policy being fulfilled as a result. Neither circumstance applies to the application site, indicating that the development is entitled to VBC on this basis.

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

The National Planning Policy Framework (NPPF) states that local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (para. 50). Policy CP3 of the Core Strategy similarly states that the Council will promote development that caters for a range of housing needs, including provision of housing for the elderly. Supported and specialist accommodation is encouraged in suitable and sustainable locations. The proposal promotes this type of development this in its provision of a 75 bed residential care home. The most recent SHMA (2016) indicates that there is a need for 593 additional residential/nursing care bed-spaces in Three Rivers for the period 2013-2036, equating to an annual need of 26 bed-spaces. The proposal would contribute to this indicative need being met, therefore having regard to the needs of the Three Rivers population and complying with Policy CP3.

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

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

4.1.7 Affinity Water: [No Objection]

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

You should be aware that the proposed development site is located close to or within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Eastbury Pumping Station. This is a public water supply, comprising a number of Chalk 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 sites then the appropriate monitoring and remediation methods will need to be undertaken.

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

4.1.8 National Grid: [Advisory Note]

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

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

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

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

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

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

4.1.9 Landscape Officer: [No Objection]

The tree report, including a tree protection plan, that accompanies this application demonstrates that the trees both on site and those within the adjacent woodland, have been considered as part of the design process.

Although some tree removals were necessary within the centre of the site, most were of relatively poor condition/value trees or species which are generally not appropriate for retention close to residential development. The proposed layout provides plenty of scope for new planting, which can easily mitigate for the losses. A buffer zone separating the ancient woodland has been maintained with minimal development, only requiring footpath encroachment.

I have no objections to the proposed tree removals, and am content that, to date, trees and the adjacent woodland have been appropriately considered within the design process.

I would therefore not wish to raise any objections to the proposal, but would request that a detailed arboricultural method statement (AMS) forms part of the reserved matters information or is conditioned, to ensure that the same level of tree protection is continued throughout the project.

4.1.10 Thames Water: No comments at time of writing.

4.1.11 Environmental Health: No comments at time of writing.

4.1.12 Environmental Protection: [Objection]

We have checked the plan showing the proposed layout on the above application and cannot see any reasonable turning for our refuse and recycling freighters.

Officer comment: Whilst layout is a Reserved Matter to be considered in full at Approval of Details stage, the applicant has amended the indicative site plan with vehicle tracking details to demonstrate how access for refuse vehicles could be achieved.

4.1.13 HCC Lead Local Flood Authority: [No Objection]

Thank you for consulting us on the Outline Application: Erection of up to 70 dwellings (Use Class C3) and a 75 bed care home (Use Class C2), with associated new access (appearance, landscaping, layout and scale reserved).

Following a review of the Flood Risk Assessment carried out by Stomor reference ST2392/FRA/1503-Little Furze-EPH Rev 2 dated February 2018 we can confirm that we the Lead Local Flood Authority (LLFA) have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy.

The drainage strategy is based upon attenuation and discharge into Thames surface water sewer using the existing connection restricted to a maximum 20l/s which is the 1 in 1 year greenfield runoff rate We acknowledge that this runoff rate incorporates 5l/s discharge from the elderly care home site. Infiltration has not been proposed as testing has determined this not a feasible mechanism and also the site's location in Source Protection Zone 1. We note there is an ordinary watercourse located approximately 105m west of the site. The watercourse runs northwards, within ancient woodland, before being culverted as it reaches Gosforth Lane. A connection to this watercourse would potentially require a pumped system, third party consent and likely the removal of trees.

As the proposed scheme for Outline permission has yet to provide the final detail and in order to secure the principles of the current proposed scheme we recommend the following planning conditions to the LPA, should planning permission be granted.

LLFA position

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by Stomor reference ST2392/FRA/1503-Little Furze-EPH Rev 2 dated February 2018.

1. Implementing the appropriate drainage strategy based on attenuation and discharge into Thames surface water sewer into using appropriate above ground SuDS measures and indicated on Surface Water Drainage drawing.

2. Limiting the surface water run-off to the 1 in 1 year greenfield run-off rate for the whole site into the Thames surface water sewer for all rainfall events up to and including the 1 in 100 year + 40% climate change event.

3. Limiting the surface water run-off from the care home site to 5l/s into the wider network.

4. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.

The mitigation measures shall be fully implemented prior to full site occupation and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

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

Condition 2

No development shall take place until the final design of the drainage scheme for the residential units has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Stomor reference ST2392/FRA/1503-Little Furze-EPH Rev 2 dated February 2018. The scheme shall also include;

1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
2. Detailed surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event for the whole site.
3. All calculations/modelling and drain down times for all storage features.
4. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.
5. Silt traps for protection for any residual tanked elements.
6. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
7. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

Reason

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

Condition 3

No development shall take place until the final design of the drainage scheme for the elderly care has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Stomor reference ST2392/FRA/1503-Little Furze-EPH Rev 2 dated February 2018. The scheme shall also include;

1. Limiting the surface water run-off from the care home site to 5l/s into the wider network.
2. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
3. Detailed surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event.
4. All calculations/modelling and drain down times for all storage features into the wider network.
5. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.
6. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.

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

Reason

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

Condition 4

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

The scheme shall include;

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

Reason

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and reduce the risk of flooding to the proposed development and future occupants.

4.1.14 HCC Waste & Minerals Planning Team: [No Objection]

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

The site is located within the sand and gravel belt as shown in the adopted Minerals Local Plan. The site also sits within the sand and gravel Mineral Safeguarding Area included in the Reg. 18 Draft Minerals Local Plan.

Whilst it is identified that there could be minerals present, there are unlikely to be significant mineral (sand and gravel) deposits within the area in question. The relevant Policy 5 within Hertfordshire Minerals Local Plan Review 2002-2016, adopted March 2007 states that mineral extraction will be encouraged prior to other development taking place where the mineral would otherwise be sterilised.

On this basis, development may give rise to 'opportunistic' use of some limited or poorer quality minerals at the site that could be utilised in the development itself. Examination of these opportunities would be consistent with the principles of sustainable development.

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

Most recently, the Department for Communities and Local Government published its National Planning Policy for Waste (October 2014) which 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 off-site disposal.'

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

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

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

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

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

<http://www.smartwaste.co.uk/> or <http://www.wrap.org.uk/category/sector/waste-management>.

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

- 4.1.15 NHS Herts. Valleys: No comments at time of writing.
- 4.1.16 Herts. Public Health: No comments at time of writing.
- 4.1.17 LDF Economic and Sustainable Development: No comments at time of writing.
- 4.1.18 NHS England: No comments at time of writing.
- 4.1.19 TRDC Traffic Engineer: No comments at time of writing.
- 4.1.20 HCC Archaeology: [No Objection]

The proposed development site comprises a c.3.25 hectare area on the edge of South Oxhey and to the north of Oxhey Woods. No archaeological remains (heritage assets) are known from the site, or from its immediate vicinity, but it is in an area with high potential for prehistoric remains, given its location on the slopes above the River Colne. In addition,

the size of the site makes it relatively likely that some unidentified below-ground archaeological remains may lie within at least the southern part of the development area.

I note that the applicant has submitted an Archaeological Desk-Based Assessment (CgMs Consulting Ltd, November 2015) with this planning application. It concludes that the study site has a low potential to contain archaeological remains. However this report was not produced in consultation with this office and it appears that it has not been revised since 2015 to ensure the information contained within it remains up-to-date. I also note that reference is made (3.1.2) to previous geotechnical surveys 'that have identified extensive areas of made ground' at the site, but the borehole logs are not reproduced, and a location plan of the boreholes is not provided.

With the above in mind, I believe that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest, and I recommend that the following provisions be made, should you be minded to grant consent:

1. An archaeological field evaluation of the site, via trial trenches, prior to the commencement of the development;

2. Such appropriate mitigation measures indicated as necessary by that evaluation.

These may include:

- a. the preservation of any remains in situ, if warranted;*
- b. appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results;*
- c. archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered);*
- d. the analysis of the results of the archaeological work, with provisions for the subsequent production of a report and an archive, and the publication of the results, as appropriate;*
- e. and such other provisions as may be necessary to protect the archaeological interests of the site.*

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 199, etc. of the National Planning Policy Framework, the relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

A *No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:*

- 1. The programme and methodology of site investigation and recording*
- 2. The programme for post investigation assessment*
- 3. Provision to be made for analysis of the site investigation and recording*
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation*
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation*

6. *Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.*

B *The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)*

C *The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.*

If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations and provide information on professionally accredited archaeological contractors who may be able to carry out the investigations.

I hope that you will be able to accommodate the above recommendations.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 246 No of responses received: 47

4.2.2 Site Notice: Expired 03.08.18 Press notice: Expired 27.07.18

4.2.3 Summary of Responses:

Overdevelopment; Should not be viewed in isolation; Height of development; Not in keeping with estate; South Oxhey is overpopulated; Too much development in South Oxhey; Should not build on Green Belt.

No need for further housing here, need facilities for children; No children's play area provided.

Lack of infrastructure to support continued development in South Oxhey; Shortage of school places and shortage of schools in the area; No secondary schools in the area; Schools, doctors, social centres, public transport already under pressure; Insufficient energy and water supplies; Lack of investment to infrastructure in South Oxhey; Already impossible to get doctor's appointment.

Lack of sustainability credentials.

Poor local transport system; Impact of additional traffic; Lack of parking; Highways safety concerns; Estate was not design to accommodate this level of traffic; Lack of parking will cause vehicles to overspill onto other local roads.

Impact of construction including construction traffic; Increased pollution.

Historical evidence of flooding; Underground spring beneath sight; Concerns regarding surface water run-off, current problem due to sloping site.

School was closed due to concerns regarding the site and subsidence, how can you build on the same site.

Reduction and loss of green spaces; Concern regarding impact on Oxhey Woods; Impact on trees; Loss of trees; Impact on ecology; Loss of wildlife habitat.

Impact on amenity of existing residents; Loss of privacy as three storeys high; Overshadowing; Overbearing due to three storey nature of development sited on a higher level than neighbours opposite.

Contrary to Policy; Query accuracy of submitted reports; Is care home providing additional facility or replacing existing; Need to overcome consultee objections.

No real concerns over the site being used to have dwellings as would be better to look at; Agree that something needs to be done but site could be put to better use; Support care home not houses; There should be low cost houses not flats.

5 Reason for Delay

5.1 No delay.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 24 July 2018 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2018 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

6.2 The Three Rivers Local Plan

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

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

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

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

6.3 Other

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

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

7 Planning Analysis

7.1 Outline Nature of Development

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

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

7.2 Principle of Development

7.2.1 Little Furze School was closed in December 2004 when according to the submitted Design, Access & Planning Statement, it was determined that there were an excess of school places in the area and that future population projections did not justify keeping the school open.

7.2.2 The development would result in the loss of the existing education use from the site. However, the site is allocated for residential development in the Site Allocations document and given the allocation of the site, an objection to the loss of this education use through redevelopment of the site would not be justified.

7.2.3 The application site is located in South Oxhey, identified as a Key Centre in the Core Strategy (adopted 2011). The application proposes the erection of up to 70 dwellings and a 75 bed care home. The application site is identified as an allocated housing site in the Site Allocations document (reference H(27)). This allocation refers to an indicative capacity of 75 dwellings and phasing of 2012-2015.

7.2.4 Policy SA1 of the Site Allocations LDD (adopted November 2014) advises that allocated housing sites will be safeguarded for housing development and the application complies with the policy in this regard. Policy SA1 also states that proposals should have regard to the phasing strategy of the site; the application site was phased for 2012-2015 but has not yet been developed. Policy SA1 further states that allocated sites should be developed at an overall capacity which accords generally with the dwelling capacity for the site. As set out in the Three Rivers Housing Land Supply (2017), the Council uses a conversion ratio

of 4 bedrooms in C2 use equating to 1 market dwelling; a 75 bed care home equates to approximately 19 dwellings. The proposal for 70 dwellings and a 75 bed care home, equivalent to a total of 89 dwellings, is therefore 14 dwellings higher than the indicative capacity of 75 dwellings identified for the site. However, since the Development Plan Document (2014) was adopted with an indicative capacity of 75 dwellings for the former Little Furze Primary School, detailed survey work has been undertaken to inform development proposals. This has demonstrated that the site has capacity for 70 dwellings plus 75 bed care home. The density of proposed development is relatively modest with there being 31.5 dwellings per ha (dph) with respect to the residential parcel (2.22ha / 5.49 acres), and the care home being located on 0.85ha (2.1 acres) which provides the necessary amount of associated amenity. It is recognised in the 2018 NPPF and local plan policy that it is important to make best use of previously developed land.

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

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

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

7.2.7 The site was allocated for 75 dwellings, but this was prior to full survey work, and in the circumstances it would be inappropriate to bring forward an application which does not make full effective use of the site given the appreciated housing need. Care homes form an important role within the development mix, and there is a need for care homes designed to meet modern standards, such as that proposed. The proposal therefore complies with the Spatial Strategy and the National Planning Policy Framework's (NPPF) core planning principle of encouraging the effective use of previously developed land.

7.3 Housing Mix

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

7.3.2 The South West Hertfordshire Strategic Housing Market Assessment (2016, Table 50) advises that in terms of the size of accommodation need to 2036 in Three Rivers, the overall requirement is for approximately 19% 1-bedroom units, 28% 2-bedroom units, 37% 3-bedroom units and 16% 4+ bedroom units, although for market dwellings the requirement is for approximately 8% 1-bedroom units, 28% 2-bedroom units, 41% 3-bedroom units and 23% 4+ bedroom units.

7.3.3 The development originally proposed 0% 1-bedroom units, 69% 2-bedroom units, 20% 3-bedroom units and 11% 4-bedroom units. However, when discussing the application on 16 August 2018 Members expressed concerns regarding the lack of 1-bedroom units and the applicant has therefore confirmed that they will provide 7.7% of dwellings as 1-

bedroom by reducing the number of 2-bedroom units proposed. The proposal would therefore be 7.7% 1-bedroom units (5 units), 61.3% 2-bedroom units (43 units), 20% 3-bedroom units (14 units) and 11% 4-bedroom units (8 units). The introduction of a proportion of 1-bedroom units is welcomed. Whilst the indicative housing mix would fail to comply with Policy CP3 of the Core Strategy (adopted October 2011), it is acknowledged that the Core Strategy recognises that these proportions may need to be adjusted taking account of market information, housing needs and preferences and specific site factors. To that regard it is acknowledged that the proposal includes a care home which would release a range of housing, through providing more appropriate accommodation for people with care needs. Whilst the housing mix would not strictly accord with Policy CP3, it is not considered that a development of this form would prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.3.4 The National Planning Policy Framework (NPPF) states that Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Policy CP3 of the Core Strategy (adopted October 2011) similarly states that the Council will promote development that caters for a range of housing needs, including provision of housing for the elderly. Supported and specialist accommodation is encouraged in suitable and sustainable locations. The proposal promotes this type of development through provision of a 75 bed residential care home. The most recent SHMA (2016) indicates that there is a need for 593 additional residential/nursing care bed-spaces in Three Rivers for the period 2013-2036, equating to an annual need of 26 bed-spaces. The proposal would contribute to this indicative need being met, therefore having regard to the needs of the Three Rivers population and complying with Policy CP3 of the Core Strategy (adopted October 2011) in this regard.

7.4 Affordable Housing & Vacant Building Credit

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

7.4.2 The Affordable Housing SPD (July 2011) states that Policy CP4 does not apply to residential accommodation which is in institutional use (i.e. accommodation that is not self-contained). Policy CP4 therefore does not apply to the residential care home (Use Class C2: Residential Institution) which is proposed as part of the application.

7.4.3 The application proposes 21 affordable dwellings, meaning that 30% of total housing provision is proposed as affordable. This affordable housing contribution fails to meet the 45% provision requirement set out in Policy CP4. Policy CP4 states that as a guide, the tenure split of affordable housing provision should be 70% social rented and 30% intermediate. Of the 21 affordable dwellings proposed, 71% (15 dwellings) are proposed as social rented and 29% (6 dwellings) are proposed as intermediate, complying with the tenure split set out in Policy CP4 of the Core Strategy (adopted October 2011).

7.4.4 The Affordable Housing Statement accompanying the application proposes to utilise Vacant Building Credit (VBC). VBC reduces the requirement for affordable housing contributions based on the amount of vacant floor space being brought back into use or redeveloped. According to the National Planning Practice Guidance (NPPG) (2016), VBC applies to sites where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building. To qualify for VBC, the vacant building also must not have been abandoned (NPPG, para. 23). The NPPG states that when considering how the vacant building credit should apply to a development, LPAs should

have regard to the intention of national policy (the reuse or redevelopment of empty and redundant buildings). In doing so, it may be appropriate for authorities to consider:

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

7.4.5 Neither circumstance applies to the application site, as the school that previously occupied the existing building closed in 2004 and there is no current or recently expired planning permission, which indicates that the development is entitled to utilise VBC on this basis.

7.4.6 VBC offers a financial credit which is the equivalent of the gross floorspace of any vacant buildings being brought back into use; this is then deducted from the overall affordable housing contribution calculation. Where there is an overall increase in floorspace in the proposed development (as is the case with this application), the LPA should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan (Policy CP4 requiring that 45% of new housing is affordable). To determine the VBC, the existing floorspace of a vacant building should be credited against the floorspace of the new development. This has been undertaken in the Affordable Housing Statement which has been checked by officers and found to be correct and equates to 10.3 dwellings VBC. 45% of 70 dwellings would equate to 31.5 dwellings, therefore when deducting the VBC allowance (10.3 dwellings), provision of 21 affordable units would accord with Policy and would be secured via condition on any grant of consent.

7.5 Impact on Character and Street Scene

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

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

7.5.3 In terms of new residential development, Policy DM1 of the Development Management Policies LDD (adopted July 2013) advises that the Council will protect the character and residential amenity of existing areas of housing from forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:

- i) Tandem development
- ii) Servicing by an awkward access drive which cannot easily be used by service vehicles
- iii) The generation of excessive levels of traffic
- iv) Loss of residential amenity
- v) Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)

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

- 7.5.5 Traffic generation, access for service vehicles and impact on residential amenity are considered in the relevant analysis sections below and it is noted that the proposal would not result in tandem development.
- 7.5.6 Matters of scale, landscaping, layout and appearance are Reserved Matters, and therefore there is no detailed assessment available as part of this application in respect of the potential design of the proposal. However, the surrounding area is residential with groups of houses fronting the roads, with parking to the front.
- 7.5.7 Existing development within the area is predominantly two-storeys and the indicative details provided indicate that the residential development would be up to three-storeys in height. However, the indicative masterplan also demonstrates generous spacing within and around the site and it is considered that the application site could accommodate a residential development of a design and appearance which would preserve the character of the area.
- 7.6 Impact on amenity of neighbours
- 7.6.1 Policy CP12 of the Core Strategy (adopted October 2011) states that development should “protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space”. Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.6.2 The site is considered capable of accommodating residential development while protecting the residential amenities of neighbouring properties with a full assessment of the impact of scale, layout, landscaping and appearance to be made as part of any subsequent Reserved Matters application.
- 7.7 Amenity for future occupiers
- 7.7.1 The application only provides indicative details of the layout of the site, and therefore a full assessment of the quality of the accommodation and quantum and quality of amenity space cannot be made at this time. However, with regard to the indicative masterplan it is considered that sufficient space would be available to provide acceptable levels of amenity space provision to serve the proposed development. This would be fully considered as part of any subsequent Reserved Matters application.
- 7.8 Wildlife and Biodiversity
- 7.8.1 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.
- 7.8.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.8.3 The application has been submitted with a Biodiversity Checklist and Ecological Appraisal. The submitted details have been reviewed by Herts. and Middlesex Wildlife Trust and Hertfordshire Ecology. Herts. and Middlesex Wildlife Trust have raised 4 objections to the application on the grounds of (1) failure to provide 15 metre buffer to the ancient woodland to the east of the site; (2) DEFRA Biodiversity Impact Calculator required to demonstrate

no net loss or net gain to biodiversity; (3) Ecological Report not compliant with relevant British Standards; and (4) ecological surveys not completed, however, the applicant has responded to these points and Hertfordshire Ecology in their detailed response raise no objection to the outline application subject to conditions (discussed in more detail below).

- 7.8.4 The site has been subject to a number of ecological surveys with the most recent in 2014 and updated in 2017. Hertfordshire Ecology are satisfied that these surveys provide an adequate assessment of the site to establish the principles at outline stage. Further bat surveys will be required to fully inform the development, however, mitigation has been outlined and this is considered sufficient to satisfy the Habitats Regulation Test.
- 7.8.5 A population of Slow Worms are present and, consistent with best practice, will need to be translocated off the site. This would be secured via condition.
- 7.8.6 A 15 metre buffer zone is provided adjacent to the ancient woodland. Hertfordshire Ecology consider that management of the buffer should contribute to enhancing biodiversity within the site and would be best achieved by creation of a wildflower grassland and mowing regime to maintain the quality of the habitat. This should be detailed within a landscape/ecology management plan at Reserved Matters stage.
- 7.8.7 Hertfordshire Ecology note that the school site currently provides a soft edge to the woodland boundary. This will be lost and therefore, notwithstanding the enhanced buffer zone, they consider the proposal would represent a net loss of biodiversity. However, they note that the applicant also owns the adjacent woodland to the east and consider that this area could be re-coppiced as part of a biodiversity offsetting exercise. This would increase the structural and ecological diversity of the area which would benefit local habitat as well as bird and invertebrate communities. The agent has confirmed that the applicant would be willing to provide for such ecological offsetting as suggested by Hertfordshire Ecology.

7.9 Trees and Landscaping

- 7.9.1 To the east of the site is Oxhey Woods Local Nature Reserve. Within this is Abbots Wood which is ancient and semi-natural woodland. Within the application site the grounds are predominantly laid to grass with occasional scattered trees. None of the trees within the site are subject of Tree Preservation Orders.
- 7.9.2 Policy CP12 of the Core Strategy (adopted October 2011) expects development proposals to “have regard to the character, amenities and quality of an area”, to “conserve and enhance natural and heritage assets” and to “ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features”.
- 7.9.3 Policy DM6 of the Development Management Policies LDD (adopted July 2013) sets out requirements in relation to trees, woodlands and landscaping and sets out that:
- i) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
 - ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the Hedgerow Regulations 1997.
 - iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant standards.

iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.

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

- 7.9.4 The application is accompanied by a Tree Survey and Arboricultural Impact Assessment which have been reviewed by the Landscape Officer. The proposals seek to retain all trees remote from the dwellings and SuDS attenuation pond. Whilst some tree removal is necessary within the centre of the site, the Landscape Officer notes that they are of relatively poor condition/value trees or species which are generally not appropriate for retention close to residential development. This is highlighted in the table below which shows that no high quality (Category A) or moderate quality (Category B) trees are proposed to be removed.

High Quality (Category A)	Moderate Quality (Category B)	Low Quality (Category C)	Trees unsuited for retention (Category U)
None	None	1, 2, 5, 11, 16, 17, 19-21, 23-25, 27-37 and Group 45 (in part)	4, 7, 12-15, 18, 22, 26, 38

- 7.9.5 The Landscape Officer also notes that the proposed layout provides plenty of scope for new planting, which can easily mitigate for the losses. In addition, a buffer zone separating the ancient woodland has been maintained with minimal development, only requiring footpath encroachment.

- 7.9.6 As such the Landscape Officer raises no objections to the proposals but requests that a detailed arboricultural method statement (AMS) forms part of the reserved matters information or is conditioned, to ensure that the same level of tree protection is continued throughout the project.

7.10 Highways, Access and Parking

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

- 7.10.2 Details of access are provided at this stage and the submitted details and Transport Assessment have been reviewed by the Highways Authority who raises no objection subject to conditions. They comment that the location of the proposed vehicular access was agreed in pre-application discussions where agreement was also reached in relation to parameters for the internal road layout comprising:

- i. Provision of a new 6m wide access road with 1.8m wide footways on both sides.
- ii. Proposed new access located 20m from Blairhead Drive in accordance with HCC Standards for junction spacing.
- iii. Bellmouth radii of 8m.
- iv. Visibility splays of 2.4m x 43m and 4.5m x 90m, to the east and west of the access.
- v. Existing vehicular accesses to be closed and footway reinstated alongside Gosforth Lane.
- vi. Existing pedestrian access from the northwest of site to be retained.

- 7.10.3 The Highways Authority note that should the development proceed, a Traffic Regulation Order (TRO) would be required to remove/alter the existing yellow 'School Keep Clear' markings along the site frontage. Any other road markings or signage relating to the school use would also need to be removed.
- 7.10.4 In relation to traffic impact, the current position is summarised in the Transport Assessment which indicates that the current local road network operates well within capacity. The Highways Authority concurs with the Transport Assessment in terms of its findings that the trips likely to be generated by the proposed development are significantly lower than those created by the former school. It is acknowledged that the school afternoon peak would have been earlier than those of the care home and residential element but the Highways Authority consider that the local road network could cope with this slight shift in loading.
- 7.10.5 In relation to road safety, the Transport Assessment indicates that some speeding takes place in both directions past the site and collision data is summarised. It is not considered that the proposed development would have a negative impact on highways safety.
- 7.10.6 In terms of accessibility, there are footways in place on both sides of all the roads in the vicinity of the site. In addition, 1.8m wide footways are proposed along both sides of the new vehicular access into the site. The existing pedestrian access to the north west of the site would be retained as part of the proposals. Although not classed as formal cycle route, Gosforth Lane is designated as a bicycle-friendly road with bicycle bypasses at build-outs for example. Whilst formal cycle routes within the development have not been considered as part of the current outline proposals, the Highways Authority note that the 6m wide internal road network would be suitable to cater for cyclists in accordance with Roads in Hertfordshire Design Guide Chapter 12 which recommends that the hierarchy of cyclist provision is followed, with preference to promote on road cycling as first choice.
- 7.10.7 The parking standards indicate that a 1-bedroom dwelling should provide 1.75 spaces (1 assigned); a 2-bedroom dwelling should provide 2 spaces (1 assigned space); a 3-bedroom dwelling should provide 2.25 spaces (2 assigned spaces); and a 4+ bedroom dwelling should provide 3 spaces (3 assigned spaces).
- 7.10.8 Based on the original indicative details provided that detailed 48 x 2-bedroom units; 14 x 3-bedroom units and 8 x 4-bedroom units, the proposed residential aspect of the development would generate a total requirement for 151.5 spaces (86 assigned).
- 7.10.9 The indicative masterplan indicated that parking provision for 148 vehicles would be provided for the residential land parcel, representing a minimal shortfall of 2.5 spaces, however the indicative masterplan has been amended post August 2018 committee in order to show how these 3 additional spaces could be provided.
- 7.10.10 In any case, in response to concerns regarding the lack of 1 bedroom units, the proportions have been adjusted such that the parking requirement for the residential aspect would be 150 spaces ($5 \times 1.75 + 43 \times 2 + 14 \times 2.25 + 8 \times 3$).
- 7.10.11 Whilst it is noted that this current outline application does not consider matters of site layout which would include the parking provision, and therefore does not represent the final number or layout of parking spaces that would be provided, it is considered that the indicative site layout demonstrates that the site is of sufficient size to accommodate the required level of parking in accordance with policy.
- 7.10.12 The parking standards indicate that elderly persons residential and nursing homes require 0.25 spaces per resident bed space plus 1 space per 2 staff non-resident with parking for resident staff to be based on general needs. Whilst further clarification has been sought, no details of staff numbers are known at this time, however, there would be a minimum

requirement of 18.75 spaces based on the number of resident bed spaces indicated. In light of concerns expressed by Members, the indicative masterplan has been amended to show a total of 35 spaces (including 9 disabled spaces) for the care home. This is an increase of 5 spaces. It is also acknowledged that Appendix 5 allows the standards for car parking to be adjusted according to which zone the proposed development is located in. The site is zone 3 where 50-75% car parking provision may be allowed.

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

7.11 Sustainability

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

7.11.2 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.

7.11.3 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.

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

7.12 Flood Risk & Sustainable Drainage

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

7.12.2 The application site is within Flood Zone 1. The Lead Local Flood Authority (LLFA) has reviewed the submitted Flood Risk Assessment and raises no objection. They have confirmed that they have no objection in principle on flood risk grounds as the proposed

development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy. As the proposed scheme for Outline permission has yet to provide the final detail and in order to secure the principles of the current proposed scheme, the LLFA recommend a number of planning conditions should planning permission be granted.

7.13 Refuse and Recycling

7.13.1 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

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

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

7.14 Heritage Assets

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

7.14.2 The Historic Environment Adviser considers that the proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest, and as such they recommend appropriate conditions be included on any grant of consent.

7.15 Safety & Security

7.15.1 Policy CP12 of the Core Strategy advises that all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to, for example promote buildings and public spaces that reduce opportunities for crime and anti-social behaviour. Policy CP12 also requires that development proposals design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places.

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

7.16 Infrastructure Contributions

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

8 **Recommendation**

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

- C1 An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall commence before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

- C2 The access hereby permitted shall be carried out in accordance with the following approved plans: 70-002 P8. The plans are approved only in so far as they relate to the siting of the access.

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

- C3 Application for approval of the reserved matters referred to in Condition 1 above shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

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

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

- i. the numbers, type and size, tenure and location of the Affordable Housing to be constructed on the site which shall not consist of less than 30% of the total number of the Dwellings permitted, of which 71% shall be constructed and Provided as Social Rented Dwellings and 29% shall be constructed and Provided as Shared Ownership Dwellings;

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

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

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

accordance with sub-paragraph (i) above then the Chargee shall be entitled to dispose of the Affected Affordable Dwelling on the open market not subject to the condition above that it shall not be used for any other purpose than as Affordable Housing.

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

- C5 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include full details of:
- a. Construction vehicle numbers, type, routing;
 - b. Traffic management requirements;
 - c. Construction and storage compounds (including areas designated for car parking);
 - d. Siting and details of wheel washing facilities;
 - e. Cleaning of site entrances, site tracks and the adjacent public highway;
 - f. Timing of construction activities to avoid school pick up/drop off times;
 - g. Provision of sufficient on-site parking prior to commencement of construction activities;
 - h. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

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

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

- C6 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by Stomor reference ST2392/FRA/1503-Little Furze-EPH Rev 2 dated February 2018.
1. Implementing the appropriate drainage strategy based on attenuation and discharge into Thames surface water sewer into using appropriate above ground SuDS measures and indicated on Surface Water Drainage drawing.
 2. Limiting the surface water run-off to the 1 in 1 year greenfield run-off rate for the whole site into the Thames surface water sewer for all rainfall events up to and including the 1 in 100 year + 40% climate change event.
 3. Limiting the surface water run-off from the care home site to 5l/s into the wider network.
 4. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.

The mitigation measures shall be fully implemented prior to full site occupation and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

- C7 No development shall take place until the final design of the drainage scheme for the residential units has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Stomor reference ST2392/FRA/1503-Little Furze-EPH Rev 2 dated February 2018. The scheme shall also include;
1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
 2. Detailed surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event for the whole site.
 3. All calculations/modelling and drain down times for all storage features.
 4. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.
 5. Silt traps for protection for any residual tanked elements.
 6. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
 7. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

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

- C8 No development shall take place until the final design of the drainage scheme for the elderly care has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Stomor reference ST2392/FRA/1503-Little Furze-EPH Rev 2 dated February 2018. The scheme shall also include;
1. Limiting the surface water run-off from the care home site to 5l/s into the wider network.
 2. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
 3. Detailed surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event.
 4. All calculations/modelling and drain down times for all storage features into the wider network.
 5. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.
 6. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
 7. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

Reason: This is a pre-commencement condition to ensure that sufficient capacity is made available to cope with the new development to prevent flooding, and in order to avoid adverse environmental impact upon the community, in accordance with

Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C9 Upon completion of the drainage works for each phase in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;
1. Provision of complete set of as built drawings for site drainage.
 2. Maintenance and operational activities.
 3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

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

- C10 Prior to the commencement of development, including any demolition, a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

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

- C11 No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: This condition is a pre commencement condition to define, in advance of any development commencing, the details of evaluation/mitigation necessary to protect any archaeological remains present within the development site. The

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

- C12 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall take place on site in connection with the development hereby approved unless the branch structure and trunks of all trees and hedgerows shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

- C13 Should they be required, detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

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

- C14 Prior to commencement of development, the open grassland areas or other suitable habitat present shall be subject to a trapping exercise for slow worms following Best Practice methodology. Individuals captured shall be translocated to a suitable location locally to ensure the survival of the population, to the satisfaction of the Local Authority.

Reason: This is a pre-commencement condition to conserve the population of slow worms consistent with protected species legislation and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C15 No development shall take place until a Woodland Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Woodland Management Plan shall include measures for coppicing part of the adjacent woodland owned by Hertfordshire County Council to off-set ecological impacts

arising from the proposed development. The woodland shall be managed in accordance with the Woodland Management Plan.

Reason: This is a pre-commencement condition in the interest of biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C16 The development shall be carried out in full accordance with the Ecological Appraisal (Updated January 2018), including mitigation measures, approved pursuant to this application.

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

8.2 **Informatives:**

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

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

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

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 14 Storage of Materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
- 15 Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to willfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
- 16 Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
- 17 The applicants' attention is drawn to the Highways comments in relation to the requirement for Traffic Regulation Order (TRO) to remove/alter the existing yellow SCHOOL KEEP CLEAR markings along the site frontage.
- 18 The following terms (and those related to them) referred to at Condition 4 shall be defined as set out below:
- Affordable Housing** means Social Rented Dwellings, Affordable Rented Dwellings and Shared Ownership Dwellings meeting Scheme Design and Quality Standards at costs below those associated with open market housing and which is available to, affordable by and occupied only by those in Housing Need.

Affordable Housing Provider means a registered provider registered with the Homes and Communities Agency (HCA) or other body registered with the HCA

under the relevant Housing Act or other body approved by the HCA to receive social housing Grant such Registered Provider in any event to be approved by the Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) the initial share sold to the leaseholder:
(i) is a minimum of 25% (twenty five per cent) and a maximum of 75% (seventy five per cent) of the total equity in the unit; and
(ii) is sold for a premium equal to the corresponding percentage of the Open Market Value of the property;
and

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

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

and

(c) the tenant:
(i) pays no more than a Reasonable Service Charge (where applicable); and
(ii) may in successive tranches purchase the remainder of the equity in the unit

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

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