

PLANNING COMMITTEE – 19 MARCH 2020

PART I - DELEGATED

7. **19/2419/OUT - Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved) at LAND TO THE SOUTH OF FOXGROVE PATH/HEYSHAM DRIVE, SOUTH OXHEY (DCES)**

Parish: Watford Rural

Ward: South Oxhey

Expiry of Statutory Period: 31 March 2020
(agreed extension)

Case Officer: Adam Ralton

Recommendation: To Grant Outline Planning Permission subject to conditions

Reason for consideration by the Committee: Three Rivers District Council is the owner of part of the application site.

1 Relevant Planning History

- 1.1 17/2053/OUT: Outline Application: Residential development of up to 49 dwellings, comprising a mix of houses and apartments, construction of parking spaces, landscaping and ancillary works (all matters reserved). Approved January 2018.

2 Description of Application Site

- 2.1 The application site has an area of approximately 1.6 hectares and is located to the south of Heysham Drive and Foxgrove Path. The site contains a parcel of open land which is currently used for the grazing of horses. The site currently contains two shelters for the horses but is otherwise vacant. The site is approximately 145 metres wide, and has a maximum depth of 160 metres. The site slopes down from south to north, such that it slopes down toward the properties which front Heysham Drive and Foxgrove Path.
- 2.2 The site is currently accessed from a gate at the south-eastern end of Foxgrove Path. There is a public footpath which runs through the site from the south-western corner toward the centre of the eastern boundary. A public footpath also runs adjacent to but outside the southern boundary of the site, and a third runs adjacent to the north and western boundaries.
- 2.3 To the north and west of the application site are the two storey rows of terraced properties (both houses and flats) which front Heysham Drive, Ashford Green and Foxgrove Path. The dwellings which back on to the site have rear garden depths of between 13 metres and 18 metres. To the south of the site are open fields, located within the London Borough of Harrow and allocated within their Local Plan as Green Belt. To the east of the site is Prestwick Road Meadows Local Nature Reserve.
- 2.4 The character of the area to the north and west is primarily residential, with two storey semi-detached and terraced properties. Car parking is primarily on-street in designated bays.
- 2.5 The site forms part of allocated Housing Site H(31), and on adoption of the Site Allocations LDD in 2014 the site was removed from the Green Belt.

3 Description of Proposed Development

- 3.1 This application seeks outline planning permission for the construction of up to 53 dwellings, together with car parking, open space and play space, new hard and soft landscaping, and

a new vehicular and pedestrian access from Foxgrove Path. Approval is sought for the access arrangements to the site, with all other matters (appearance, landscaping, layout and scale) reserved.

3.2 The submission indicates the provision of up to 53 dwellings on the site, comprising a mixture of terraced, semi-detached and detached dwellings and four maisonettes. In terms of unit sizes, the application proposes 15% 1 bed maisonettes, 53% 2-bed dwellings, 28% 3-bed dwellings and 4% 4-bed dwellings. The application proposes that 24 of the dwellings (45% of the total, comprising 4x one-bed units, 12x two-bed dwellings and 8x three-bed dwellings) would be provided as affordable housing, with 70% social housing and 30% shared ownership.

3.3 An illustrative masterplan has been submitted with this application, which shows the parking bays which exist along Foxgrove Path would be removed to widen the carriageway of Foxgrove Path. These parking spaces would be replaced within the application site to the south of Nos. 8-11 Foxgrove Path. An access road would generally curve south to south-west within the application site, with small parking areas extending from the road and dwellings generally fronting the road or the parking areas. All dwellings would be provided with car parking bays and rear gardens.

3.4 The application is accompanied by the following documents:

- Utilities Summary
- Bat Survey Report (2017)
- Biodiversity Checklist
- Design and Access Statement
- Ecological Appraisal (2017)
- Phase 1 Habitat Survey (2019)
- Planning Statement
- Flood Risk Assessment (2017)
- Flood Risk Assessment Addendum (2019)
- Geophysical Survey Report (2015)
- Transport Statement Addendum (2019)
- Tree Survey Report (2017)

3.5 This application has been submitted following the approval of outline planning application 17/2053/OUT. That application sought outline planning permission for the construction of up to 49 dwellings together with car parking, open space and play space, new hard and soft landscaping, and a new vehicular and pedestrian access from Foxgrove Path. The application had all matters reserved, and the assessment related to the general principles of the development of the site. The current application differs from the previous application as follows:

- The previous application was submitted with all matters reserved, whereas the current application seeks a determination on the general principles of the development and seeks approval of the access arrangements. Matters of appearance, landscaping, layout and scale remain reserved.
- The previous application related to up to 49 dwellings, whereas the current relates to up to 53 dwellings.
- The proposed mix in terms of unit sizes has been changed, with one bed units reduced from 29% to 15%, two bed units increased from 45% to 53%, three bed units increased from 25% to 28% and four bed units increased from 1% to 4%.
- The illustrative layout has been amended, with the previously proposed block of flats to the south-eastern corner replaced with houses and other alterations to the site layout details.

4 Consultation

4.1 Consultees

4.1.1 Watford Rural Parish Council: [Comment]

WRPC have examined the plans and local councillors know the site well. We wish to object to the development of land at this location for the following reasons:

Highways have asked for it to be refused based on non-compliance of the following planning guidelines paragraphs 108 and 110 of the revised NPPF (2018) and policies 1, 5, 6, 7, 8, 9, 19 of HCC's Local Transport Plan 4 (2018) relating to numerous issues including parking, access, pedestrian safety, vehicle safety, rights of way guidelines, lack of a travel plan and discrimination to wheelchair users and the visually impaired. Our Councillors had major concerns about the narrow entrance to the site, pedestrian safety, large vehicle access and the impact of extra parking on the people living along Foxgrove Path, Heysham Drive and Blackford Road. We campaigned for HCC to acknowledge the issues poor designs have on the disabled in South Oxhey and very much welcome their comments championing their rights.

Foxgrove Path – due to parking limitations in the road the turning circle and nearby pavement have been used daily for parking to alleviate the problem. Cllrs would ask officers to check if established use is now applicable and, if so, make developers include these extra seven spaces in their plans should the application be passed. At least one parking space per residential unit should be made a condition we believe. Also, no provision has been made for disabled parking.

Infrastructure – GP Surgeries. Why hasn't there been any s106 monies requested? TRDC/HCC should demand s106 monies from the developer for our Community Healthcare. Our Parish GP's are being stretched to the limit with new developments. NHS England states that our 3 surgeries are too small for our existing population. The Consulting rooms is circa 190m² too small, South Oxhey Surgery is circa 200m² too small and Pathfinder Practice is circa 120m² too small.

Infrastructure – Schools. WRPC would like to point out that we are the only key centre in Three Rivers with no recognised secondary school within the Parish. If you take the Parish Hall as a centre point, then the ten nearest secondary schools are all outside of our district. S106 monies should be ring-fenced indefinitely for secondary school education located within the parish.

Flooding – Cllrs are still concerned that the area is prone to flooding, having had a recent flood. We would ask that Officers double check all findings on flooding to assure themselves that the report's conclusions are sound.

Ecology – we note and echo the concerns of Hertfordshire Ecology and their call for another more comprehensive report to be done to update the previous one. Specifically, looking into the impact on the Local Nature Reserves. The comments from the Wildlife Trust must also be considered as they list a number of significant concerns in their comments. WRPC ask that officers request a full, measurable ecological report is undertaken before any decision on this application is made.

4.1.2 London Borough of Harrow: [No objection]

4.1.3 Affinity Water: [No response received]

No response was received as part of the original application.

4.1.4 British Pipeline Agency: [Comment]

Thank you for your correspondence enclosing details of your proposals as listed above. We are not aware that any of BPA Pipelines apparatus, falls within the vicinity of the above noted location. However, if the location of your work should change, please contact us immediately

4.1.5 Hertfordshire Constabulary Crime Prevention Design Advisor: [No response received at time of drafting report]

4.1.6 Hertfordshire County Council – Growth and Infrastructure: [No objection]

Thank you for your consultation on the above-mentioned application, I am writing in respect of planning obligations sought towards education, childcare, and library and youth services to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information to date for the proposed development we will not be seeking financial contributions as this development is situated within Three Rivers CIL Zone and does not fall within any of the CIL Reg123 exclusions.

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

Please note that this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision

4.1.7 Hertfordshire County Council – Fire Hydrant Provision: [Comment]

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure firefighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

Justification:

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21

January 2008 and is available via the following link: www.hertfordshire.gov.uk/planningobligationstoolkit

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure firefighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for firefighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for firefighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.

4.1.8 Hertfordshire County Council – Highway Authority: [No objections to principle of development in terms of vehicular access and movements subject to conditions and informatives]

4.1.8.1 **Officer Update:** The Highways Authority originally objected to the submitted details due to a failure to provide a Travel Plan Statement and failure to make sufficient provision for all residents and visitors to travel sustainably (original comments received are set out below at 4.1.8.2).

A Travel Plan Statement has been submitted; HCC have confirmed in writing that the contents of the statement are acceptable.

Furthermore, a plan indicating the areas of tactile paving at various junctions and raised Kassel kerbing at the two closest bus stops has been received. This information has been forwarded onto the Highway Authority who has confirmed that the details set out on Plan 41394-WOOD-XX-XX-DR-OT-0001_S3_P01 are acceptable. These improvements will be secured by condition. Below (in italics) are the most recent comments received in relation to the additional information:

'In terms of the off-site sustainable travel works, it's good to see the applicant agree to the principle of these. However, for the past few years we've requested these types of work be undertaken through a section 278 agreement (by planning condition) rather than s106. There are a number of reasons for this, but the main ones are resourcing pressures and the risk of overspend due to the potential for unexpected issues arising (which means any s106 payment would not cover the final cost of the works).'

In this case, it seems that the £67,895 s106 figure is the calculation from our planning obligations toolkit that I set out in my e-mail of 6th Feb. Whilst this figure is likely to be broadly in line with the cost of the off-site site highway works needed, its calculation was simply a way to provide a steer as to the rough amount of works that may be appropriate to seek in scale and kind to the development. In addition, the exact cost of the necessary works won't be known for sure unless the applicant puts together estimated costings for them (and even then the figure is not certain for the reasons above).

With that in mind, I think we need to stick to these works being delivered by Grampian condition, not through an s106. The NPPF advises conditions should be considered ahead of s106, and the conditions I set out in my last e-mail covering these elements seem to meet all the tests of a condition.'

4.1.8.2 Original Objection:

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 recommends that **permission be refused** for the following reasons:

1) The site does not make sufficient provision for all residents and visitors to travel sustainably, and therefore does not comply with paragraphs 108 and 110 of the revised NPPF (2018) and policies 1, 5, 6, 7, 8, 9, 19 of HCC's Local Transport Plan 4 (2018). In particular, there is no tactile paving proposed at several junctions over which pedestrians must cross in order to access the site from Prestwick Road, and there is not a convenient pedestrian crossing point within reasonable walking distance between the two closest bus stops. In addition, the two closest bus stops do not have raised Kassel kerbing, and there is no Travel Plan Statement. Together, these lack of key facilities and measures will disadvantage residents and visitors of this site who have sight issues or are less mobile, and will not maximise sustainable travel opportunities for all.

COMMENTS:

This is an outline application for up to 53 dwellings which seeks full approval for means of access. Although all other matters are reserved for future consideration, an internal masterplan layout has been submitted, and the Design and Access Statement provides the following breakdown: 8no 1-bed, 28no 2-bed, 15no 3-bed and 2no 4-bed. The site is currently grazing land with a gated access onto Foxgrove Path.

ACCESS ARRANGEMENTS:

The proposed development will be accessed from the end of Foxgrove Path, a short local access road / cul-de-sac. Foxgrove Path connects onto Heysham Drive (also a local access

road), and this in turn connects to the B4542 Prestwick Road. Prestwick road is a B classified secondary distributor road.

Our Roads in Herts guidance includes the following text with respect to dwelling numbers from a single point of access: "There will be a general presumption that not more than 300 dwellings (or equivalent size of development) should be served from a single point of access to the wider road network. However, this is just a starting point and each case should be assessed against local circumstances. In accordance with paragraph 6.7.3 of Manual for Streets the local fire service should be consulted at an early stage to allow them to carry out a risk assessment against their requirements and response times. If circumstances prevent the provision of more than one point of access to serve more than 300 dwellings, special approval must be agreed and obtained in writing from the Highway and Planning Authorities."

In this case, the LPA advise that the wider Heysham Drive residential estate will remain below 300 dwellings should this development be built (this figure also includes the new development on the corner of Heysham Drive and Prestwick Road). However, the Fire Service have been aware of the proposed development and will provide their own comments if they consider this necessary.

The access arrangements upon immediate approach to the site includes widening the Foxgrove Path carriageway to 4.8 metres, and providing a 2 metre wide footway on the northern side (as shown on drawing number 41394-Lea05). Widening the carriageway in this way means the existing roadside parking bays will need to be removed on the northern side. This is not ideal as it will remove existing parking bay provision for residents already living in Foxgrove Path (equivalent to the loss of 4 parking spaces). However, it is noted that 6 new parking spaces will be provided within the proposed development which will be for public use and is intended to replace the 4 lost spaces. On the basis that these replacement spaces within the site are for any public use, and can be retained for such purpose in perpetuity, then it would not be justified to object to the principle of this.

It is noted that the turning head at the end of Foxgrove Path sometimes also becomes parked up. Vehicles should not be parked in this location as it is meant to be for the turning of service vehicles. By parking up in this area, service vehicles are forced to mount raised footway kerbs as they turn, causing damage to the highway over time. The provision of 6 new parking spaces within the site to replace the 4 lost spaces could be considered as a benefit to the turning head of Foxgrove Path too, as the addition of 2 more spaces may address (at least in part) those vehicles which currently park up in the turning head.

In terms of specific design criteria, Roads in Herts states that a carriageway width of 4.8 metres is suitable to serve 100 dwellings, and 5.5 metres suitable to serve 300 dwellings. The proposed widening of Foxgrove Path to 4.8 metres is therefore acceptable, and whilst there might be parts of the wider estate / approach roads which do not quite meet the 5.5 metre carriageway width, the guidance represents a starting point and there are no obvious safety or capacity issues arising from this.

The widening will result in the removal of a lamppost, and replacement of this would usually get picked up in the section 278 works, should permission be granted and implemented. However at this stage there appears to be two possible options in this respect: Firstly, the footway by the existing lamppost is 1.9 metres wide (measured on-site), and the overall highway land width at this point is 12.2 metres (i.e. the two footways, the two parking bays, and the carriageway - measured at site). There therefore appears to be sufficient room for a slightly wider footway than present on the northern site which could then more comfortably accommodate the relocated street lamp. Secondly, an alternative would be for a new small build-out to be constructed somewhere in the opposite parking layby area (similar to the current one) to accommodate the relocated lamp, but this would result in the loss of a single space on that side.

Our highway boundary records show the two parking laybys are not public highway land, but the northern layby (to be changed to carriageway) will have to be adopted through a section 278 agreement if the scheme is implemented. The applicant shows this layby land within their ownership, and assuming this is the case, the adoption should be straight forward.

The applicant also needs to submit a plan which shows the provision of pedestrian dropped kerbs and tactile paving at the amended Foxgrove Path / Heysham Drive junction. A condition could be included to this effect, but it would be beneficial if this could be submitted now for the avoidance of doubt.

TRIP GENERATION, TRIP DISTRIBUTION, AND HIGHWAY CAPACITY:

The Transport Statement has undertaken a TRICS assessment to establish the likely number of vehicles arising from this proposal in the morning and evening peak hours. It states that there will be 26 two-way vehicle trips in the morning peak hour of 8-9am and 24 in the evening peak hour of 5-6pm.

Traffic arising from wider commitment development (using Temprow) has been added into the junction capacity model. This shows that in the 2024 future year scenario, there are no capacity problems at the Heysham Drive / Prestwick Road junction with the development in place.

INTERNAL LAYOUT:

It is noted that layout has been reserved for future consideration, however, based on the masterplan the following observations have been made.

The proposed 6 public parking spaces close to the site entrance has an access width of over 9 metres, and this may be intimidating to some passing pedestrians. Some of these spaces also do not have a clear 6 metres behind them, which is the technical standard for manoeuvrability. It is recommended that this access and parking area is reconfigured accordingly.

No vehicle tracking diagrams have been submitted which would be needed at a future reserved matters stage covering layout. The bends in the internal road may, for example, need to be widened slightly to allow for two cars to comfortably pass by one another, and turning diagrams of refuse vehicles, fire tenders etc will also be required.

In addition, details of visibility splays from internal junctions and individual driveway accesses will need to be provided, as will pedestrian dropped kerbs and tactile paving at any junctions over which pedestrians must cross. The applicant may want to consider the use of shared surface treatment along some stretches of internal roads.

The treatment to the public right of way footpath through the site will also need more thought. Our Rights of Way team generally require a minimum 2 metre wide footpath appropriately surfaced, with at least 0.5 metre strips either side to help with ongoing maintenance.

The masterplan layout shows another footpath between the site and Heysham Drive which follows the western edge of the development. It would be beneficial if this footpath could continue directly into the site rather than round the edge of the development so as to minimise the distance to the bus stops on Prestwick Road.

In terms of on-site parking provision, the application form states that a total of 116 spaces will be provided. When applying a first principles calculation based on Three Rivers parking standards, a total of 110 spaces should be provided (based on the development mix at the

start of this report). As 6 public spaces are to be provided within the site to replace the 4 lost spaces along Foxgrove Path, the amount stated exactly accords with standards.

The Highway Authority would not expect to adopt the internal road layout but this should be designed to adoptable standards.

SUSTAINABLE TRAVEL / ACCESSIBILITY:

The site is located in South Oxhey with a small number of local facilities within walking distance. The main shopping facilities of South Oxhey and the Carpenders Park train station are within 2km to the north of the site. Existing bus stops are available on Prestwick Road close to the site but no crossing facility exists for pedestrians to cross the road to access the northbound stop. Bus service 8 operates along Prestwick Road offering a half hourly service between the site, Watford and Abbots Langley. The site is considered to be reasonably well located in terms of sustainable travel options. However facilities are available close to the site that could be enhanced to encourage travel to and from the site by sustainable travel modes. The revised NPPF (2019) has a greater emphasis on the importance of sustainable travel compared to its predecessor. Paragraph 108 states that developments should ensure that "safe and suitable access to the site can be achieved for *all* users", and that "appropriate opportunities to promote sustainable transport modes can be – or have been – taken up". Paragraph 110 goes on to states that "development should give priority first to pedestrian and cycle movements... create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles".

Hertfordshire County Council's new Local Transport Plan 4 (2018) also places a much greater emphasis on the importance of sustainability/accessibility. Policy 1 for example states that the first step to consider is that "opportunities to reduce travel demand and the need to travel" are identified. After that, the needs of vulnerable road users (such as pedestrians and cyclists), then passenger transport users, must come ahead of those who use motorised forms of travel.

With this in mind, the Highway Authority previously identified that the lack of any formal pedestrian crossing point on Prestwick Road close to its junction with Heysham Drive is a concern, and not in accordance with the above sustainable travel policy. It was suggested at that time that the relocation of the bus stop immediately west of the junction could facilitate the delivery of a more standard junction layout incorporating a pedestrian crossing point on Prestwick Road between the site and the northbound bus stop. It is therefore still suggested that this encouragement to sustainable travel should be delivered as part of this development proposal.

It is noted that paragraph 7.8.3 of the committee report for the previous proposal did not consider such a request to meet the tests at paragraph 204 of the NPPF. However, the Highway Authority remains of the view that this development is not acceptable in a sustainable travel context, falling considerably short of paragraphs 108 and 110 of the NPPF, if such a provision is not implemented along Prestwick Road.

In addition, there are a number of junctions along Heysham Road over which pedestrians travelling to and from the site must cross which do currently benefit from tactile paving. It would be reasonable to expect the applicant to deliver these works by condition, and an indicative plan to show the locations would suffice at this stage.

Furthermore, it is noted that the two closest bus stops only have crude raised kerbing rather than proper raised Kassel kerbing, and this will therefore disadvantage wheelchair users of the site wishing to travel by bus.

It is usual practice for the Highway Authority to expect indicative plans of such fundamental off-site highway works now rather than by condition, and as no such plans are included in this latest application refusal is recommended.

Finally, at 53 units this site meets the criteria for a Travel Plan Statement (TPS - i.e. any site between 50 and 79 dwellings requires a Travel Plan Statement). This has not been provided, and is a fundamental document to ensure sustainable travel opportunities are maximised. A framework TPS should be submitted now to demonstrate the applicant's commitment to this and to outline the broad measures which are acceptable, and a full Travel Plan conditioned.

4.1.9 Hertfordshire County Council – Lead Local Flood Authority: [No Objection]

Following a review of the Flood Risk Assessment carried out by WYG, reference A087862-1 dated July 2017, and the Addendum to the submitted Outline Drainage Strategy and Flood Risk Assessment carried out by Wood Environmental & Infrastructure Solutions Ltd, reference 41394-WOOD-XX-XX-TN-OW-0001_S0_P01 dated December 2019, we can confirm we have no objection on flood risk grounds and advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.

The proposed drainage strategy is based upon above ground attenuation storage and discharge into the Thames Water surface water sewer network. We note surface water calculations have been updated and ensure that the drainage strategy caters for all rainfall events up to and including 1 in 100 plus 40% for climate change with 3.9l/s maximum discharge from the proposed development into the surface water sewer via the attenuation basin.

We acknowledge that Thames Water have been contacted and have no objection in principle following the developer follows the sequential approach to the disposal of surface water and ensures prior approval from Thames Water for the proposed connection into the sewer network

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 planning conditions be attached should planning permission be granted.

We noted that within the submitted Outline Drainage Strategy and Flood Risk Assessment Addendum, the applicant states there are 'two SuDS basins', however the illustrative masterplan provided only shows a singular attenuation pool which has been reflected in our conditions recommended above. We may require clarification if this is not addressed at the detailed design stage.

4.1.10 Hertfordshire County Council – Minerals and Waste Team: [No objection]

In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. The site does not however fall within the Sand and Gravel Mineral Safeguarding Area within the Proposed Submission Minerals Local Plan, January 2019 nor does the British Geological Survey (BGS) data identify any superficial sand/gravel deposits in the area on which the application falls.

Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development

may result in the extraction of suitable material that could be processed and used on site as part of the development. This may include excavating the foundations and footings or landscaping works associated with the development. Policy 8: Mineral Safeguarding, of the Proposed Submission document relates to the full consideration of using raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.

The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable finite resources.

In relation to waste, Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste 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>.

The County Council would request by condition that detailed information be provided within a SWMP. The SWMP should cover both waste arising's during the demolition and construction phases. The waste arising from construction will be of a different composition to that arising from the demolition. As a minimum the waste types should be defined as inert, non-hazardous and hazardous.

The SWMP or Circular Economy Statement should be set out as early as possible so that decisions can be made relating to the management of waste arising's during demolition and construction stages, whereby building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised

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.

4.1.11 Herts and Middlesex Wildlife Trust: [Objection]

Objection: Measurable net gain to biodiversity not proven, insufficient detail supplied on mitigation or compensation measures, ecological report not compliant with BS 42020.

1. Measurable net gain. The NPPF (July 2018) states:

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:
d) minimising impacts on and providing net gains for biodiversity

174. To protect and enhance biodiversity and geodiversity, plans should:

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

175. When determining planning applications, Local Planning Authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable' net gains for biodiversity.

The object of an ecological report submitted in support of a planning application should be to demonstrate how the proposals are capable of being consistent with NPPF and local planning policy. Therefore the ecological report should state, what is there, how it will be

affected by the proposal and how any negative impacts can be avoided, mitigated or compensated in order to achieve 'measurable' net gain to biodiversity. This is a fundamental clarification from the pre 2018 NPPF, which was in place when the previous application was determined, which has not been taken into account in this application. Subjective assessments of net ecological impact (as in this case) are not sufficient, not 'measurable' and therefore not consistent with national policy.

In order to prove net gain to biodiversity, the ecological report must include a 'measurable' calculation of the current ecological value of the site and what will be provided following the development. 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.'

The most objective way of assessing net gain to biodiversity in a habitat context is the application of the Defra biodiversity metric v.2 2019. This metric assesses ecological value pre and post development on a habitat basis and has been upheld by the planning inspectorate as an appropriate mechanism for achieving the ecological aims of NPPF. The use of the metric is advocated in <https://www.gov.uk/guidance/natural-environment>

This document states:

'Net gain in planning describes an approach to development that leaves the natural environment in a measurably better state than it was beforehand.'

'Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development.'

'Care needs to be taken to ensure that any benefits promised will lead to genuine and demonstrable gains for biodiversity. Discussions with local wildlife organisations can help to identify appropriate solutions, and tools such as the Defra biodiversity metric can be used to assess whether a biodiversity net gain outcome is expected to be achieved.'

This assessment contains no measurable assessment of net ecological impact and does not use the Defra metric as directed by the Govt's guidance on biodiversity and the planning system. It cannot therefore be considered to be consistent with policy and cannot be approved without demonstrating measurable net gain.

In order to meaningfully and measurably accord with planning policy to achieve net gain to biodiversity, the applicant will need to use this metric. The development must show a net positive ecological unit score to demonstrate compliance with policy. Habitat mitigation can be provided on or offsite. If an offsite biodiversity offset is required (which is highly likely) it must be provided by a legitimate biodiversity offset provider or broker to acceptable standards. Subjectively calculated and costed biodiversity offsets are not appropriate and should not be approved. Statements claiming that net gain are not legitimate (as in this case) unless supported by a Defra metric calculation.

2. Once it has been accurately calculated how much habitat creation is required to offset the impact of the proposals, all ecological mitigation, compensation or enhancement measures suggested in the ecological report must be definitively stated.

The report is full of examples of conceptual mitigation or compensation which is neither measurable nor definitively described. As an example, chapter 4 of the technical note update states:

‘The NPPF states that plans should deliver ‘net gains for biodiversity’. In view of this areas of trees and scrub planting should be incorporated within the scheme design.’

‘It is recommended that as an enhancement measure, 10 – 15 bat boxes are provided on the surrounding trees and/or within the structure of the new houses.’

These and other statements fail to conform with NPPF or BS 42020 because they are not measurable or definitive. The landscaping plans together with accurately measured compensation areas, fully described habitat creation zones and fully funded establishment and management regimes have not been supplied.

‘It is recommended’ is not a definitive indication of what will be provided, merely a concept of what could. To suggest that the scheme would have a permanent positive impact on local biodiversity is entirely subjective, unsubstantiated and not supported by any measureable and therefore verifiable assessment.

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.’

Currently all statements of mitigation or compensation are not supported by any measurement or mapping or numbers. They cannot be left to an LEMP or CEMP because there is no indication of how big they will be, where they will go and what exactly what they will consist of. Only when this information is provided, and crucially measurably justified by the Defra metric calculation can it be known if the site is capable of achieving a measurable net gain to biodiversity, sufficient to condition the requirement for a CEMP or LEMP.

Habitat creation is only as good as its management. Details of all management for wildlife habitats, particularly wildflower meadow areas, in order to achieve required condition i.e. to accord with target condition statements in the Defra metric will also be required.

Claims of net gain in biodiversity can only be considered valid if the management required to maximise habitat condition are described and secured. Details of establishment, management, and monitoring together with funding mechanisms required to secure these must be supplied.

4.1.12 Herts Ecology: [Following submission of further clarification no objections are raised by Herts Ecology subject to conditions and informatives]

Further to my letter of 24 January you have made us aware of representations made by the consultants on behalf of the developer by email (forwarded to us on 5 February).

We remain unconvinced that the Ecological Appraisal is sufficient in several respects, as previously highlighted and these concerns remain, particularly in respect of increased pressure on the adjacent LNR. However it is also unlikely that the issues would ultimately represent sufficient reason to refuse an outline application for the proposed development, particularly given an outline approval already exists for slightly less dwellings. Therefore, we amend our most recent advice 24 January 2020 and replace it with that provided for a

previous and similar application on 15 November 2017. Given its volume, the latter is not repeated here and we urge you to refer to the original letter (Ref: 17/2053/OUT). Consequently, we do not object to the approval of the revised application (Ref. 19/2419/OUT), which we advise can be determined accordingly.

However, we note that both landscaping and layout are reserved matters and we would expect that issues of concern which remain outstanding are addressed at that stage. To assist the applicant to interpret our recommendations, we provide the following additional advice to influence the scope and nature of reserved matters:

Landscaped boundary and degradation of Prestwick Fields LNR

Our original advice recommended the incorporation of a more landscaped boundary with Prestwick Fields LNR. Whilst largely self-explanatory, the following highlights components of this which may not have been otherwise appreciated. This is not exhaustive and a comprehensive approach to boundary management is anticipated:

- The SUDS feature appears wholly isolated by buildings and roads. It would make complete sense ecologically, to locate this next to the LNR boundary where it would serve to actively enhance the LNR assuming its management was appropriate. This is a consideration of layout – a reserved matter - and thus could be addressed with an improved proposal accordingly at that stage.
- We recommend the inclusion of measures to address the establishment of ‘unplanned’ access through the creation of private entrances from those gardens backing onto the LNR; this is a frequently observed characteristic of dwellings adjacent to open spaces. For the avoidance of doubt, whilst the proposed 5m buffer may reduce impacts during construction, sole reliance on this to mitigate ‘boundary effects’ would not be considered adequate;
- Similarly, measures should be taken to effectively discourage fly-tipping ‘over the fences’ of new, adjacent dwellings. This is not only unsightly but can lead to pollution, eutrophication and, perhaps most importantly, can be a source of invasive, non-native species. Again, sole reliance on the proposed 5m buffer would be considered inadequate.

Connectivity with the wider landscape

Our previous letter stressed the need for connectivity with the wider landscape to be maintained and the opportunity for scrub and/or grassland to be focused along the northern and eastern boundaries of the application site. Current proposals in the ‘Illustrative Masterplan’ appear to suggest this land is allocated as private gardens and if retained would struggle to meet our expectations. Again, reliance on the 5m buffer alone (along the northern boundary) would not be adequate.

In this respect, the LNR has already been compromised by previous development (2005) to the east, which resulted in the loss of the SE corner of the LNR, originally declared in Jan 2004. We advised this should be compensated, although at the time net gain had not been developed as a recognised planning means of doing this. This area was of low quality but represented buffer habitat; the current proposals will now further degrade the LNR link to open land to the south by removing the existing open land meadow to the west. This increases the need to consider the LNR sufficiently in reserved matters issues.

Legislative and Policy changes (and net gain)

- The specific nature of emerging legislative and policy requirements for development to deliver a net gain in biodiversity by the time reserved matters are determined are unknown, although the principle is now clearly promoted by Government. If required, (and is applicable to outline consents), this is unlikely to be achieved by more bird and

bat boxes than already suggested, for example. Similarly, the ability of the SUDS or attenuation pond to provide a meaningful contribution to net gain should be thoroughly scrutinised; their main function, after all, is flood protection. We will be seeking reasonable and appropriate, but meaningful and sustainable measures within or beyond the application boundary as appropriate. Whilst we have not yet recommended the use of biodiversity offsetting metrics, this may become a requirement of policy and law;

- As an alternative, the management planning documents for both Prestwick Meadows and Oxhey Woods provide a broad range of activities that could be supported, if needed. Support for some of these activities, of an appropriate scale and duration, may offer more sustainable and long-lasting benefits to local biodiversity, and make the proposed development more attractive to new residents over time. Such measures should be explored whether net gain becomes a legal requirement or not over the ensuing months. Reference to the LNR management documents would assist this process and it is anticipated this will be addressed at reserved matters;
- Whilst the scope of the reserved matters will continue to rely on the validity of the Ecological Appraisal, this is already over two years old and could be considerably older when used to inform final mitigation/compensation proposals. However, the LPA should ensure that any reserved matters application should be consistent with the expected net gain approach outlined in the Environment Bill or Act.

Lastly, some additional comments are made below in response to questions raised by the applicant's consultants. This is provided below and not only clarifies some outstanding issues (not already addressed above) but also provides further important context on how the advice from 15 November 2017 should be interpreted when reserved matters are considered.

- As stated previously, we accept the application site itself supports only limited ecological interest;
- We have made no request for a bat survey in our letter of 24 January (which was consistent with our advice on previous occasions including our letter of 15 November 2017);
- We accept the clarification that there will be no loss of scrub from the LNR;
- We accept the current outline consent (17/2053/OUT) can be pursued if the applicant desires – we have provided our advice on that which we maintain was appropriate at the time (although we struggle to find evidence that the recommendations made have influenced the design of the 'Illustrative Masterplan' provided when compared with that submitted in 2017). Furthermore, despite the clear relationship between both sets of proposals, this represents a new application and should be considered accordingly;
- Both the original permission and this application - if approved – would be subject to reserved matters applications if pursued and these will need to be assessed against the planning guidance as necessary at that time;
- As requested, some evidence of public pressure on protected sites nearby is provided by the two images below. Note that the first, taken from the eastern entrance of Prestwick Fields LNR (adjacent to the proposed development) is looking south and away from the reserve.
- It should be noted that although recent, these images were not taken to specifically highlight recreational pressure and neither do justice to the ground conditions (which were exceptionally muddy) but both show how erosion can cause narrow paths to expand widely and both suggest considerable use;
- We do not find the rationale behind the suggestion that public use of the LNR will reduce to be particularly compelling. The Reserve provides a convenient short cut to the main road, transport links, shops and a play area which is highly likely to be visited by residents of the new development. Effective measures to address this will be expected;

- We do not accept the apparent suggestion that any increase in visitor numbers to an LNR is acceptable. We do accept that LNRs can have a recreational function but their prime reason for designation is their ecological interest – as is suggested by their name. They remain statutory sites protected in policy and potential adverse effects should not be dismissed without some degree of certainty. The LNR is also a Local Wildlife Site and the Ecological Appraisal identified it to be of regional ecological importance;
- Indeed, current Government guidance makes it clear that LNRs can be selected for wildlife, geology, education [and] enjoyment (without disturbing wildlife) [and that] it isn't a formal requirement that [an] LNR is open to the public [though Councils] need to care for and protect its natural features².
- We are fully aware our current advice has evolved compared with the previous application but this only reflects changes in existing and emerging changes in ecological policy, best practice³ (which has been updated since production of the Ecological Appraisal in 2017) and growing awareness of particular issues;
- CIEEM makes numerous references to the need to consider impacts on land beyond the boundary of an application site but within a zone of influence eg in Box 4 and Box 10. Boxes 9 and 17 identify the risks posed by recreational pressure whilst s5.35 reminds us that uncertainty should assume a significant effect and prompt suitable assessment, and 6.11 encourages development where possible to achieve a net gain (even if it is not a legal requirement). Box 14 informs of the relative importance of protected sites (including LNRs) in impact assessment.
- We have not claimed that the application should be rejected only that key documents should be brought up to date and outstanding issues addressed as necessary in reserved matters;
- Finally, we are encouraged that there is acceptance that a future CEMP and 'BEMP' could provide the detail about how biodiversity on site would be retained, created, mitigated for and enhanced, and could include a measurable assessment of the net gain to be achieved but remain concerned that this excludes any impact on the LNRs/LWSs. For the reasons outlined above, this issue will need to be considered as appropriate.

I hope these comments are useful and, in particular, provide useful advice on how reserved matters should be approached. We do not object to the principle of development here but believe a suitably thorough approach to reserved matters is justified given the sensitivity and importance of the surrounding landscape.

Herts Ecology comments received in relation to planning permission referred to the content above:

The Hertfordshire Environmental Records Centre does not have any habitat or species data for the application site, which includes a grass field, hedgerows, scrub and tall ruderal vegetation. Directly to the east is „Prestwick Road Meadows“, which is a statutory Local Nature Reserve (LNR) and non-statutory Local Wildlife Site (LWS) with species-rich neutral grassland and scrub communities. To the west as a smaller area of scrub and housing; to the north is housing; and to the south is a line of old oak trees and then open countryside. There are records of amphibian and reptiles from the vicinity.

Two ecological reports have been submitted in support of this application:

- Ecological Appraisal (by WYG, July 2017)
- Bat Activity Survey Report (Interim) (WYG, September 2017)

Habitats

The site was re-visited on 5 July 2017 to determine its potential to support protected species and important habitats; advise if further survey work is needed; evaluate the impact of the

proposals on the ecological interest found; and provide both mitigation measures (if necessary) and actions to achieve biodiversity gain which should all be incorporated into the development proposals.

The 2017 Ecological Appraisal updates one previously undertaken in 2014. The site is described as a horse paddock with predominantly closely grazed grass. A couple of semi-improved neutral grassland indicator species were recorded (Bird's-foot trefoil and Common knapweed) indicating that the grassland has some ecological interest; however the full species list is not available for further comment. The hedgerows appear to be species-poor and gappy. There is some scrub habitat in the north-east which continues into the adjacent LNR/LWS. Overall, the habitats were assessed to be of limited ecological value.

Potential for foraging bats, badgers, Great crested newts, reptiles and nesting birds was highlighted. Further surveys were recommended for bats (foraging activity survey). Although no badgers or evidence of badgers were found on site, it is possible they will move into the area and a pre-construction walk-over survey is recommended. With regard to nesting birds, due diligence with any tree/shrub works is advised.

Mitigation includes creation of a 5m buffer between the development site and the adjacent LNR/LWS; vegetation / site clearance using reasonable avoidance measures to avoid harm to any extant reptiles and amphibians; and biodiversity enhancements in the form of bat and bird boxes.

Bats

A bat activity survey was undertaken in 2014 and recorded low numbers of common and widespread species of bats using the site for foraging and commuting. In summer and autumn 2017, the buildings and trees on site were re-assessed for their potential to support roosting bats. Bat activity was recorded on all boundaries, and notably the southern boundary. The three sheds and stable were considered to have negligible potential for roosting bats, and none of the trees on site had suitable bat roosting features.

Impact

The proposals would result in the loss of semi-natural habitat at the expense of new buildings and gardens and so there are likely to be adverse ecological impacts at some scale. Recommendations are made to sow species-rich grassland in the margins and other unused areas of the site; and to retain the hedgerows and improve their structure with infilling / thickening using native tree/shrub species – which are welcomed.

It is acknowledged that the adjacent Prestwick Road Meadows LNR/LWS should be protected from adverse impacts from the development proposals. Vegetation clearance and construction activities on the north-east / east side should not encroach into Prestwick Road Meadows and in this respect I welcome a no-construction barrier of (at least) 5m adjacent to the LNR/LWS.

Herts Ecology does not recommend refusal of the proposals; however, we would like to see more of a soft landscaped edge along the boundary between the new development and the adjacent LNR/LWS. The Proposed Masterplan (Proposed Residential Development) does not appear to show much of a semi-natural buffer at all.

There has been loss of part of Prestwick Road Meadows LNR/LWS in the past when the south-eastern section, which was originally scrub habitat, was lost to housing (Wentworth Drive) sometime between year 2000 and 2010 according to aerial photographs. The LNR/LWR should not be allowed to reduce or degrade further as this loss amounted to an

area of roughly 0.8 ha, and ultimately reduced the „foot“ of the LNR/LWS from 170m to just 20m in length.

Building up to the western edge of Prestwick Road Meadows (albeit with a proposed 5m buffer) will decrease its connectivity to open countryside by about 115m and create a „weak“ edge to this part of the LNR/LWS. Any potential effects need to be reduced as much as possible if permission is granted for this development proposal, to avoid further impact to this already reduced LNR/LWS.

Notwithstanding, I am pleased to see what appears to be relatively low-density housing proposed. Although I am not convinced that new residents would be dissuaded from visiting the adjacent LNR/LWS, as suggested through the current proposals for a play area and attenuation pool on the north / north-western side. I would advocate that more habitats are incorporated into the design in the south-east corner, where current semi-natural habitat will be lost further isolating / reducing the overall linking habitat of Prestwick Road Meadows. This should be either open grassland, or scrub planting, to keep a viable semi-natural linking habitat along the southern edge of the LNR/LWS. The southern boundary should be retained and enhanced as a bat foraging and commuting corridor.

Consequently, if the LPA is minded to approve this application, I would like to see the following added to any permission granted:

I would advise a CEMP and a Biodiversity Enhancement and Management Plan are submitted to the LPA for written approval. They should describe in more detail how biodiversity on site will be retained, created, mitigated for, and enhanced. Included should be species mixes for the proposed species-rich grassland, and tree species for hedgerow improvements. Location of installed and integrated habitats boxes/homes should be marked on a plan.

- I would advise a re-designed layout to make more of a semi-natural / open edge buffer with the adjacent Prestwick Road Meadows LNR / LWS.

4.1.13 Three Rivers District Council Local Plans Team: [No objection]

The proposal is for the development of an allocated housing site in the adopted Site Allocations Local Development Document (2014), and as such residential development is acceptable in principle. The site is phased for 2021 – 2026. The phasing of the site is indicative and it is capable of adjustment in response to the monitored progress across the plan timescale. Policy SA1 of the Site Allocations LDD phases the delivery of housing on the allocated sites in accordance with Policy CP2 if the Core Strategy in accordance with its strategic priorities. It sets out, amongst other criteria, that the early release of an identified housing site will only be considered if the Annual Monitoring Report projects that there will not be a five year supply of land for housing. The latest Annual Monitoring Report shows that there is only a two year supply of land for housing.

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

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

According to the accompanying Design and Access Statement, the application proposes 8 one bedroom units (15%), 28 two bedroom units (53%), 15 three bedroom units (28%), and 2 four bedroom unit (4%). The proposal is not in accordance with policy CP3 which seeks a lower proportion of 1 and 2 bedroom dwellings and a higher proportion of 3 and 4 bedroom dwellings. Whilst the proposal does not meet the criteria laid down in the most recent SHMA, an adjustment for specific schemes to take into account market information, housing needs and preferences and specific site factors is allowed for in paragraph 5.23 of the Core Strategy.

Policy CP4 of the Core Strategy requires provision of 45% affordable housing, 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 applicant has met the 45% affordable housing requirement by allocating 24 affordable units. In terms of mix and tenure, Local Plans support the applicant agreeing this with the Housing team.

4.1.14 Three Rivers District Council Housing Officer: [No objections]

Policy CP4 of the Adopted Core Strategy requires 45% of new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. As a guide the tenure split should be 70% social rented and 30% intermediate.

Policy CP3 of the adopted Core Strategy (2011) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be for 30% 1-bed units, 35% 2-bed units, 34% 3-bed units and 1% 4+ bed units. However, identified need for affordable housing suggests the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units. The main requirement is for 2 bed 4 person units as we have a high requirement for family sized accommodation.

I note that you are proposing 53 dwellings in total with 24 affordable dwellings which complies with the 45% required in our policy. It is encouraging to see that you are providing a good amount of family sized accommodation (2 and 3 bedrooms), however with regards to the 2 bedroom properties our preference would be for 2 bed 4 person, as this would accommodate more of our customers than the 2 bed 3 person size dwelling. It is also good to see that you are proposing a 70/30 split of social rented and shared ownership properties. Social rented is affordable for our customers and would be welcomed.

4.1.15 National Grid (Gas): [Comment]

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. The apparatus that has been identified as being in the vicinity of your proposed works is:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment
- Low or Medium pressure (below 2 bar) gas pipes and associated equipment.

(As a result it is highly likely that there are gas services and associated apparatus in the vicinity).

[Officer Note: The map accompanying the above response shows the pipe being located beyond the southern boundary of the application site]

4.1.16 Three Rivers District Council Landscape Officer: [No objection]

The following comments were provided as part of the previous application:

A tree report has been submitted by Hertfordshire County Council dated 2 October 2014. The report has been carried out to British Standard 5837: 2012 Trees in relation to design, demolition and construction. I concur with the findings, and classifications of the trees on

site. The report also highlights the space needed for the trees to grow, ensuring no future pressure on pruning, and the avoidance of the root protection areas. Providing the above advice is heeded then proposed projects are feasible.

4.1.17 Thames Water: [No objection]

Waste Comments

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

4.1.18 Three Rivers District Council Environmental Health: [No objection]

Air Quality

The proposed development meets the stage 1 criteria given in the EPUK/IAQM guidance. Consideration should be given to the potential impacts of neighbouring sources on the site and the impact of the development on the surrounding area.

The proposed development may meet the stage 2 criteria. An air quality assessment may be required.

The suitability of the site needs to be assessed. It would therefore be preferable for the impacts to be considered at this stage, rather than at a later date to satisfy the requirements of a condition. This would allow us to assess the potential impacts of the development and to evaluate any proposed mitigation measures.

Contaminated Land

The site is currently used as a playing fields. The historical maps available online do not give an indication of the previous use. The information provided to us by TRDC indicates that an area of unknown filled ground is located to the east of the site.

The proposed development is considered a sensitive end use.

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

4.1.19 Three Rivers District Council Environmental Protection: [No comment received]

No response received. Any response received will be reported at Committee.

4.2 Public/Neighbour Consultation

4.2.1 Site Notice: Displayed 23/12/19, expired 16/01/20

4.2.2 Press notice: Published 10/01/2020, expired 31/01/20

4.2.3 Number consulted: 274 No of responses received: 21 objections

4.2.4 The objections received can be summarised as follows:

- Concerned at the loss of parking bays from Foxgrove Path and space used for car parking on the pavement and in the turning head. There would only be one bay left to accommodate 4 cars, Foxgrove Path has 16 dwellings so this is not enough.
- There are currently 21 vehicles belonging to residents in Foxgrove Path, and six parking spaces is therefore wholly inadequate. Residents will not be able to park near their houses.
- Extra 53 houses would bring in another 100 plus cars coming up and down this quiet road.
- Unclear what provision is being made for disabled parking for displaced Foxgrove residents.
- Too close to the boundary with Harrow, removing green space between Hertfordshire and Harrow and causing urban sprawl.
- Wildlife impacts unclear.
- Proposal would be terrible for the wildlife on the adjacent nature reserve.
- Concerned with the loss of grazing land.
- Bungalows on the end of Foxgrove Path flood with excess water running from the site. A pond is proposed to keep water from homes but these can overflow and would make flooding worse.
- Unclear how construction vehicles will navigate the congested roads of Heysham Drive and Foxgrove Path.
- Proposal would require removing/reconfiguring mains water stand pipe.
- Proposal would result in the loss of the only street light in Foxgrove Path.
- Unclear whether Foxgrove Path would be widened ahead of a full application given the risk if a reserved matters application is then declined.
- Proposal would be detrimental to the environment of the nature reserve and the general rural environment of the adjoining Green Belt land belonging to Pinner Wood Horse Farm. The existing use is in harmony with the surroundings.
- Unclear where builders would park, they should not park on footpaths.
- Already impossible to get school places. Doctor surgeries are limited and oversubscribed, water mains are bursting, there have been issues with the electricity supply and the sewerage system wasn't designed to cope with this amount of properties.

- The nearby train line is not an infinite resource and will suffer from overloading.

5 Reason for Delay

5.1 N/A

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In February 2019 the National Planning Policy Framework was updated. This document is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

6.2 The Three Rivers Local 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 and CP12.

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

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1 and site H(31) are relevant.

6.3 Other

Open Space, Amenity and Children's Play space 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 Background

7.1.1 The history section above notes that outline planning permission has previously been granted at this site for a development of up to 49 dwellings with the construction of parking spaces, landscaping and ancillary works. That was an outline application with all matters reserved and therefore sought a decision on the general principles of how the site can be developed. The reserved matters of access, appearance, landscaping, layout and scale require formal submission.

7.1.2 The current application is also submitted as an outline application, and proposes up to 53 units. Therefore, it seeks a decision on the general principles of how the site can be developed for up to 53 units and an illustrative masterplan has been submitted to demonstrate how 53 units might be laid out within the site. The application also seeks approval for the means of access from Foxgrove Path into the site.

7.1.3 The differences between the current application and the previously approved scheme are detailed at paragraph 3.5 above. The Development Plan and site circumstances have not materially changed since the previous application was considered. It is necessary therefore to assess whether the amendments comply with the Development Plan, and whether the proposed means of access is acceptable.

7.2 Principle of Development

7.2.1 Policy CP2 of the Core Strategy advises that the Council will identify sufficient land for housing in the District to meet the Three Rivers housing target of 180 dwellings per year until 2026. Housing provision will be made primarily from within the existing urban area and specific sites will be identified through the Site Allocations Development Plan Document.

7.2.2 The application site is identified within the Site Allocations document as site H(31). The site allocations document identifies the site as grazing land with a dwelling capacity of 50. It comments that the site is adjacent to a wildlife site and Local Nature Reserve (Prestwick Road Meadows), and that measures to avoid adverse impacts and enhance biodiversity will need to be provided by developers, supported by adequate ecological survey.

7.2.3 The site is outside but directly abuts South Oxhey which is identified as a Key Centre in the Core Strategy. The Core Strategy acknowledges that whilst the scope for development on the edge of the Key Centres is constrained by Green Belt and other environmental designations, there are opportunities to promote sustainable development through limited development within the Green Belt. The application site was formerly designated as Green Belt, but its inclusion within the Site Allocations LDD removes this constraint.

7.2.4 Policy SA1 of the Site Allocations document sets out that allocated housing sites should be developed at an overall capacity which accords generally with the indicative capacity for each site. The proposal would provide for up to 53 dwellings on the site. Whilst exceeding the indicative capacity of 50, this is not considered to be significantly in excess of that number. Furthermore the illustrative masterplan demonstrates that it may be possible for the number of dwellings to be accommodated within the site with adequate car parking and amenity space. On this basis, as with the previous outline planning application, no objections are raised to the principle of the proposed development.

7.3 Housing Mix

- 7.3.1 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 and affordable sector within the district as being:

	Market	Affordable	Overall Mix	Proposed
1 bedroom	7.7%	40.9%	19%	15% (4 affordable, 4 market)
2 bedroom	27.8%	28%	28%	53% (12 affordable, 16 market)
3 bedroom	41.5%	29%	37%	28% (8 affordable, 7 market)
4 bedroom	23%	2.1%	16%	4% (2 market)

- 7.3.2 The previous application proposed a higher proportion of two bedroom houses, and a lower proportion of four bedroom than required by the SHMA. The submitted planning statement explains that the current application removes the previously proposed block of 14 flats and increases the number of 2 and 3 bed houses (from 44% to 53% and 25% to 28% respectively).
- 7.3.3 As referred to in paragraph 5.23 of the Core Strategy, while the above requirements should form the basis for the housing mix of proposals and provision across the District, it is recognised that they may need to be adjusted to take account of market information, housing needs and preferences and site specific factors. The mix of housing indicated would provide for a range of housing needs and while it would not directly replicate the indicative mix, it is not considered that this would be so significant as to prejudice the overall provision of housing across the District justifying refusal of permission. The development is considered to be acceptable in this regard, in accordance with Core Strategy Policy CP3.

7.4 Affordable Housing

- 7.4.1 Policy CP4(a) of the Core Strategy states that the Council seeks 'an overall provision of around 45% of all new housing as affordable housing'. Policy CP4(b) goes on to state that as a guide, the Council seek 70% of all the affordable housing provided to be social rented and 30% to be intermediate. Policy CP4(3) states that the council will 'in most cases require affordable housing provision to be made on site, but in relation to small sites...consider the use of commuted payments toward provision off-site'. Small sites would be those proposing fewer than 10 units. The Affordable Housing SPD is clear that 'For proposals with a net gain of 10 or more dwellings, on-site provision will be required'. On this basis and given the need for affordable housing in the District, the LPA's approach, in line with the TRDC Development Plan, is for affordable housing units to be provided on site for a major application such as this. In this case, 24 of the 53 units would be required to be affordable, with a tenure split of 17 social rent and 7 shared ownership.
- 7.4.2 The submitted illustrative masterplan, planning statement and application form all confirm that the application proposes 45% affordable housing, with a 70%-30% tenure split of social rent to shared ownership. The illustrative masterplan suggests the affordable units would be provided as 8 three-bed, five-person houses, 12 two-bed, three-person houses, and 4 one-bed, two person flats. However at this time the units provided are illustrative only. The precise on-site breakdown of the affordable units may be controlled by a planning condition and this approach was used as part of the previous application.

7.5 Impact on the character and appearance of the 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'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.5.2 Policies CP3 and CP12 of the Core Strategy 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 DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will be only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development
 - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles
 - iii. The generation of excessive levels of traffic
 - iv. Loss of residential amenity
 - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)
- 7.5.4 As previously noted, this application has been submitted in outline with only the matter of access to be considered. Matters of appearance, layout, landscaping and scale are reserved for consideration as part of a future formal reserved matters application. Therefore there is no detailed assessment available as part of this application in respect of the potential design of the proposal. However, the surrounding area is residential with groups of houses fronting the roads, with parking to the front. It is considered that the application site could accommodate a residential development of a design and appearance which would preserve the character of the area.
- 7.6 Impact on amenity of neighbours
- 7.6.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 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 appearance, landscaping, layout and scale to be made as part of any subsequent Reserved Matters application.
- 7.7 Quality of accommodation for future occupants
- 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, it is considered that given the nature of the site

sufficient space would be available to provide acceptable levels of amenity space provision to serve new residential development. 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 comments attached to the site within the Site Allocations LDD note that the site is grazing land with a dwelling capacity of 50. It comments that the site is adjacent to a wildlife site and Local Nature Reserve (Prestwick Road Meadows), and that measures to avoid adverse impacts and enhance biodiversity will need to be provided by developers, supported by adequate ecological survey.
- 7.8.4 The application has been submitted with a Biodiversity Checklist, a Bat Survey Report and an Ecological Appraisal. In addition, a Phase 1 Habitat Survey note has been provided.
- 7.8.5 The comments raised by HMWT and Herts Ecology in relation to net gain are noted. While there are aspirations that biodiversity net gain will become mandatory (The Environment Bill is currently passing through its parliamentary stages), there currently is no requirement for it in law and the NPPF does not make net gain or biodiversity offsetting a formal requirement. Furthermore, there is no requirement in the Three Rivers Development Plan (the statutory starting point for the consideration of planning applications) and on this basis it is not considered that any further information regarding net gain can reasonable be sought.
- 7.8.6 Herts Ecology's (HECO) original consultation response notes that the submitted appraisal is over two years old and is out of date. It notes that despite the provision of an updated survey from 2019, other elements such as the policy background have not been revisited. However, further comments have been received stating:
- 'We remain unconvinced that the Ecological Appraisal is sufficient in several respects, as previously highlighted and these concerns remain, particularly in respect of increased pressure on the adjacent LNR. However it is also unlikely that the issues would ultimately represent sufficient reason to refuse an outline application for the proposed development, particularly given an outline approval already exists for slightly less dwellings.'
- 7.8.7 Herts Ecology have confirmed that they do not object to the approval of the current application on Ecology grounds subject to conditions. Conditions are recommended to minimise the impact of construction activities on biodiversity at and adjacent to the site, and also to require a biodiversity enhancement and management plan to be submitted. This would enable the development to meet the requirements of DM6 "development must conserve, enhance and where appropriate restore biodiversity".
- 7.8.8 Herts Ecology has noted that Landscaping and Layout are reserved matters and have requested a number of matters to be addressed at the Reserved Matters stage. Their comments also provide further advice as to how their comments received in relation to the 2017 permission should be interpreted when reserved matters are considered. An

informative referring the applicant to the Herts Ecology detailed comments will be attached to any planning permission.

7.9 Trees and Landscaping

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

7.9.2 The application site itself does not contain any trees, however the perimeter is surrounded on the whole by trees of varying sizes and of varying quality. None of the trees are subject of Tree Preservation Orders. This application has been submitted in outline form, with landscaping to be considered as part of a later reserved matters submission. The submitted Tree Survey Report indicates that the root protection areas of the majority of the trees around the site do not extend significantly into the application site. This application does not detail the proposed layout of the dwellings, however it is considered that the site could accommodate the number of dwellings in such a way that the off-site trees could be protected and retained with space to grow. The Landscaping Reserved Matter application would provide the opportunity to assess any proposed replacement planting and other landscaping enhancement works. Any tree protection measures and an arboricultural method statement could be secured by planning condition in the event the application is recommended for approval. On this basis, no objections are raised in respect of tree and landscape impacts.

7.10 Highways, Access and Parking

7.10.1 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes. Policy CP10 of the Core Strategy (adopted October 2011) states that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District and demonstrate that it provides a safe and adequate means of access.

7.10.2 As part of the previous outline planning application (where details of access were reserved), Hertfordshire County Council (HCC) as Highway Authority raised no objections to the proposal subject to conditions. The illustrative masterplan submitted as part of that application detailed the existing parking bays to the north side of Foxgrove Path to be removed, with replacement parking bays provided parallel to the new access road into the development site.

7.10.3 The current application includes details of how the access to the site would be provided, with the removal of on-street car parking bays on the northern side of Foxgrove Path to enable two-way traffic to pass. Four existing on-street parking bays would be removed as part of the access works. The submitted illustrative masterplan shows that six parking spaces would be provided within the application site as replacements for those spaces to be lost. A planning condition would be used to require details to be submitted to the LPA of the precise number of parking bays to be provided, including details of how these would be provided and remain accessible in perpetuity for use by the general public, and details of appropriate signage and maintenance also submitted. The final position of the replacement car parking spaces would be considered in full as part of a reserved matters application

concerning layout, however it is considered that the submitted illustrative site plan demonstrates the site has capacity to provide replacement parking.

- 7.10.4 In relation to the proposed access arrangements, HCC raise no objections. They confirm that the access arrangements includes widening Foxgrove Path, and that whilst this results in the loss of on-street car parking bays, on the basis that the six replacement car parking spaces are for public use and retained for such use in perpetuity, it would not be justified to object to the principle of this. HCC note that the turning head at Foxgrove Path is often used for car parking, but that parking here means service vehicles have to mount raised kerbs, causing damage over time and that the additional two replacement car parking spaces should mitigate this. In relation to specific design, Roads in Herts states that a carriageway width of 4.8m is suitable to serve 100 dwellings and the widening of Foxgrove Path is therefore acceptable. They note that the guidance is a starting point and that whilst there are parts of the wider estate that do not meet the carriageway width, the guidance is a starting point and there are no obvious safety or capacity issues arising from this.
- 7.10.5 Comments have been raised as part of the consultation process that the replacement bays should include disabled car parking bays due to the needs of local residents. Whilst this local need is understood, at present there are no restrictions on the use of the existing on-street parking bays. On this basis, it is not considered that placing restrictions on the use of the proposed six replacement car parking bays would be reasonable or necessary to make the development acceptable, and on this basis it is not considered that a condition should be used for this purpose.
- 7.10.6 It is noted that concerns have been raised that the highways works would result in the loss of the only street light in Foxgrove Path. The highway authority have confirmed to Officers that it would be possible for the lamp to be relocated and this would be picked up in a S278.
- 7.10.7 HCC note the need to improve accessibility set out in the NPPF and HCC's 2018 Local Transport Plan. This states that developments should consider opportunities to reduce travel demand, and should consider the needs for vulnerable road users. HCC consider that there are a number of junctions along Heysham Drive over which pedestrians travelling to and from the site must cross, which do not currently benefit from tactile paving, and also that the two closest bus stops have crude raised kerbing rather than proper raised kerbing, and that the development should address these issues. An additional plan setting out the works required by HCC and it has been confirmed that the applicant is willing to undertake these works. These works will be secured by a S278 agreement subject to planning conditions which will be attached to any permission. These works would promote the use of sustainable forms of transport in accordance with the requirements of Policies CP1 and CP10 of the Core Strategy.
- 7.10.8 HCC have noted that the proposal now exceeds the threshold above which a Travel Plan Statement is required. A revised Travel Plan Statement has been submitted in support of the application. Members will be verbally advised of any comments received from HCC in relation to the revised Statement.
- 7.10.9 Policy DM13 of the Development Management Policies LDD (adopted July 2013) advises that development should make provision for parking in accordance with the parking standards set out in Appendix 5. For Use Class C3, the standards require 1.75 spaces (1 allocated) per one-bed dwelling, 2 spaces per dwelling (with one assigned space) for 2 bedroom dwellings, and 2.25 spaces per dwelling (2 assigned spaces) for 3 bedroom dwellings. Having regard to the proposed unit breakdown, the scheme results in a total car parking space requirement of 109.75 spaces, of which 72 should be allocated. The submitted illustrative masterplan shows 97 car parking spaces being provided for residents. Therefore the illustrative masterplan shows a shortfall of 12.75 parking spaces against the standards, although the ability to allocate at least one space per unit with a further 25 to be allocated to the larger units.

7.10.10 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. 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 residential development and comply with Core Strategy Policy CP10 and Policy DM13 and Appendix 5 of the Development Management Policies document.

7.11 Land Contamination

7.11.1 Core Strategy Policy CP1 also states that development should manage and reduce risk of and from pollution in relation to quality of land, air and water and dealing with land contamination. Policy DM8 of the Development Management Policies document advises that the quality of groundwater resources should be protected from aquatic pollution and Policy DM9 sets out that permission will not be granted for development which would or could give rise to polluting emissions to land, air and/or water.

7.11.2 The Environmental Health Officer has advised that the proposed development may meet the Stage 2 criteria given in the EPUK/IAQM guidance and that an air quality assessment may be required. This was not a consideration under the fall back permission of which the proposed development only seeks four additional units. The application seeks outline consent residential development on an allocated housing site with a fallback permission for 49 units. As such, an air quality assessment is not considered reasonable to assess the impacts of the development at Outline stage.

7.12 Sustainability

7.12.1 Paragraph 148 of the NPPF states that “Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”.

7.12.2 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.

7.12.3 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.

7.12.4 As this application is for outline permission with 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.

7.13 Flood Risk and Drainage

7.13.1 Policy CP1 of the Core Strategy 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. Policy DM8 of the Development Management Policies document 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. The application site is within Flood Zone 1 and is therefore at low risk from river flooding.

7.13.2 Thames Water have confirmed that with regard to waste water network and sewage treatment works infrastructure capacity, they do not have any objection to the planning application.

7.13.3 The submitted outline drainage strategy and flood risk assessment states that discharge of surface water to Thames Water Sewerage Network is anticipated to be the main route for the disposal of surface water flows at a controlled rate to a sewer located under Heysham Drive. The submission also confirms that the attenuation storage within the site has been designed to ensure that there will be no flooding for rainfall events which includes a 40% increase in rainfall intensity to account for the effects of climate change up to 2119. The submission confirms that whilst at present any runoff will freely drain into the gardens of properties to the north and onto Foxgrove Path, the proposed drainage arrangements will act to collect runoff from the site, routing it to the attenuation basin. This water would be slowly released to the Thames Water surface sewer network, ensuring a significant reduction in the volume of runoff leaving the site via surface water runoff into gardens.

7.13.4 The Lead Local Flood Authority have reviewed the submitted Flood Risk Assessment and the addendum to the Outline Drainage Strategy and Flood Risk Assessment, and raise no objections on flood risk grounds as the site can be adequately drained, and can mitigate any potential existing surface water flood risk. They recommend that conditions be used to secure the full and final details of the drainage scheme.

7.14 Refuse and Recycling

7.14.1 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

7.14.2 The layout of the access to the site would form part of the consideration of any subsequent Reserved Matters application and this would set out the accessibility and turning space for refuse collection vehicles, as well as storage facilities for containers. However, it is considered that sufficient space would be available within the site to provide acceptable opportunities for waste and recycling facilities to serve the residential development.

7.15 Tilted Balance and Conclusion

7.15.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF is engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking "the policies which are most important for determining the application are out-of-date when the LPA cannot demonstrate a five year supply of deliverable housing sites". The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). Paragraph 11 continues, "Plans and decisions should apply a presumption in favour of sustainable development...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: a) the application of policies in this

Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or b) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 7.15.2 In this instance, the application site was allocated in the 2014 Site Allocations DPD for housing, and was removed from the Green Belt. Therefore, the application site does not fall within a site where the application of policies in the NPPF provide a clear reason for refusing the development.
- 7.15.3 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental. The proposed development is considered to provide social benefits (new housing and affordable housing), economic benefits (short term benefits of construction and longer term benefits of an increased population to increase local spend) and environmental benefits (providing ecological enhancements within the site).
- 7.15.4 Taking into account all of the considerations forming part of this application, it is concluded that any adverse impacts of granting planning permission would not demonstrably outweigh the benefits of granting planning permission.

8 Recommendation

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

C1 Approval of the details of the appearance, landscaping, layout and scale (hereinafter called 'reserved matters') shall be obtained from the Local Planning Authority in writing before any development hereby permitted commences.

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 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.

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

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

C4 No development shall take place until a scheme for the provision of Affordable Housing to be constructed on the site pursuant to the planning permission has been

submitted to and approved in writing by the Local Planning Authority. The Affordable Housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the numbers, type, unit size, tenure and location of the Affordable Housing to be constructed on the site which shall not consist of less than 45% of the total number of the Dwellings permitted, of which 70% shall be constructed and Provided as Social Rented Dwellings and 30% shall be constructed and Provided as Shared Ownership Dwellings;
- 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 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 The development shall not begin until detailed specification for the access arrangements have been submitted to and approved in writing by the Local Planning Authority. The details are to include the following:
- Full details of the proposed layout for the revised junction of Foxgrove Path and Heysham Drive identifying the introduction of dropped kerbs and tactile paving to provide a safe crossing point for pedestrians.

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

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

- C6 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include full details of:
- the phasing of construction and proposed construction programme.
 - the methods for accessing the site, including wider construction vehicle routing.
 - the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
 - the hours of operation and construction vehicle movements.
 - details of any highway works necessary to enable construction to take place.
 - details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
 - details of any hoardings.
 - details of how the safety of existing public highway users and existing public right of way users will be maintained.
 - management of traffic to reduce congestion.

- control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels, and how it will be ensured dirty surface water does not runoff and discharge onto the highway.
- the provision for addressing any abnormal wear and tear to the highway.
- the details of consultation with local businesses or neighbours.
- the details of any other Construction Sites in the local area.
- waste management proposals.
- signage

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

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

- C7 Before development commences, additional plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, which show the detailed design and construction of:

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

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

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

- C8 Before first occupation, both bus stops by the Prestwick Road / Heysham Drive junction, as shown on drawing 41394-WOOD-XX-XX-DR-OT-0001_S3_P01 shall have raised Kassel kerbing implemented to the satisfaction of the Local Planning Authority.

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

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

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

- C10 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following.
- A) Risk assessment of potentially damaging construction activities.
 - B) Identification of "biodiversity protection zones".
 - C) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - D) The location and timings of sensitive works to avoid harm to biodiversity features.
 - E) The times during which construction when specialist ecologists need to be present on site to oversee works.
 - F) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - G) Responsible persons and lines of communication.
 - H) Use of protective fences, exclusion barriers and warning signs.

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

Reason: This is a pre commencement condition in the interests of safeguarding protected species and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C11 No development shall take place (including demolition, ground works, vegetation clearance) until a Biodiversity Enhancement and Management Plan has been submitted to and approved by the Local Planning Authority, detailing how it is planned to incorporate biodiversity as part of the development scheme, how the boundary and buffer habitats will be managed to maintain long term biodiversity objectives, and who will have the management responsibilities. The enhancements should be undertaken in accordance a programme to be agreed as part of the Biodiversity Enhancement and Management Plan.

Reason: This is a pre commencement condition in the interests of safeguarding protected species and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

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

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

C13 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

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

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

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

C14 No development approved by this planning permission shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to, and approved in writing, by the local planning authority. The surface water drainage system will be based on the Addendum to the submitted Outline Drainage Strategy and Flood Risk Assessment carried out by Wood Environmental & Infrastructure Solutions Ltd reference 41394- WOOD-XX-XX-TN-OW-0001_S0_P01 dated December 2019, and all supporting information. The surface water drainage scheme should include:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 3.9 l/s during the 1 in 100 year event plus 40% of climate change event.

2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change for the entire site and not only considering the impermeable areas.

3. Implementing the appropriate drainage strategy based on attenuation and discharge into Thames Water surface water sewer network using appropriate above ground SuDS measures and indicated in the Outline Drainage Strategy and Flood Risk Assessment Addendum and shown on the Illustrative Masterplan (ref: Lea02 Rev B).

4. Updated drainage layout plan showing all proposed SuDS features and pipe networks and detailed engineered drawings of the proposed SuDS features and discharge control devices including their, location, size, volume, depth and any inlet and outlet features.

5. Updated surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event to include all proposed SuDS features that will provide attenuation for all site area. Calculations should take account of the entire site area not just impermeable areas.

6. Provision of half drain down times to ensure that the proposed attenuation features can accommodate as a minimum a 1 in 30 year storm within 24 hours of a 1 in 100 plus 40% climate change event.

7. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

- C15 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

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

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

- C16 Prior to the commencement of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected along the boundaries with Nos 12-15 Foxgrove Path, Nos. 69-81 Heysham Drive and Nos. 2-4 Ashford Path shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall thereafter be erected prior to commencement of any site works and retained as such thereafter.

Reason: This is a pre-commencement condition to ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and

the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C17 Prior to the commencement of any works on site, full details of the proposed six replacement car parking spaces, including their surfacing, a timetable for their construction relative to the highways works to Foxgrove Path and the development as a whole, and management details including arrangements for the use of the area/parking and how these spaces will be reserved and made available for use by the general public in perpetuity, including details of appropriate signage and maintenance. The parking area shall be provided in accordance with the timetable as approved by this condition, and remain unrestricted and available for public use and no physical barrier or obstruction shall at any time be installed to prevent their unrestricted use.

Reason: This is a pre-commencement condition required to ensure that the replacement car parking to compensate for displaced car parking spaces along Foxgrove Path is provided and maintained as unrestricted public car parking in perpetuity, in accordance with the requirements of Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C18 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

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

- C19 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).

- C20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 91, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved

remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

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

C21 The development permitted by this planning permission shall be carried out in accordance with the approved Addendum to the submitted Outline Drainage Strategy and Flood Risk Assessment carried out by Wood Environmental & Infrastructure Solutions Ltd reference 41394-WOOD-XX-XX-TN-OW-0001_S0_P01 dated December 2019, and the following mitigation measures detailed within the addendum.

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 3.9 l/s during the 1 in 100 year event plus 40% of climate change event.

2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a total storage volume in an attenuation pond.

3. Inclusion of appropriate SuDS management and treatment features which may include permeable paving and filter drains.

4. Discharge of surface water from the site into the Thames Water surface water sewer located in Heysham Drive via the proposed attenuation pond.

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

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

C22 Upon completion of the drainage works for each site in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

1. Provision of complete set of built drawings for site drainage.

2. Maintenance and operational activities.

3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

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

C23 The approved Travel Plan (reference 1394-WOOD-XX-XX-RP-OT-0002_A_P02) shall be implemented at all times prior to first occupation of the development.

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

8.2 INFORMATIVES

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 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 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 applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

- 14 The applicant is reminded that the land contamination investigations must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
- 15 The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated highway improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
- 16 The following terms (and those related to them) referred to at Condition C4 shall be defined as set out below:

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

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

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

Dwelling means a residential unit comprised in the development.

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

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

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 an Affordable Housing Provider from the sale of an interest in any of the Affordable Housing following its initial occupation after deduction of the Affordable Housing Provider's reasonable evidenced costs of acquisition, construction and sale of the relevant affordable dwelling and the deduction of any Grant repayable.

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

Open Market Value means the value confirmed by a certificate (from a professionally qualified valuer and produced in accordance, where applicable, with the Homes and

Communities Agency Capital Funding Guide or successor requirements) that the relevant interest in the dwelling would fetch if sold on the open market by a willing vendor to a willing purchaser

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

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

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

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

Shared Ownership Dwellings means Affordable Housing owned and managed by an Affordable Housing Provider sold 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) the annual rent:

i) 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 Shared Ownership Dwelling

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

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 dwelling

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

- 17 The applicant is advised that any future formal reserved matters application on this site must include provision for a 5 metre buffer zone to be retained between the development site and the adjacent Local Nature Reserve/Local Wildlife Site.
- 18 The applicant is reminded that the removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than three days in advance of vegetation

clearance and if active nests are found, works should stop until the birds have left the nest.

- 19 The applicant is reminded that any external lighting should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost/nesting sites.
- 110 The applicant is advised to keep any areas of vegetation as short as possible up to, and including, the time when the works take place so that it remains / becomes unsuitable for reptiles or amphibians (including Great Crested Newts) to cross. Clearance of existing vegetation should be undertaken progressively towards boundaries to allow any animals present to escape to contiguous areas of retained habitat. Stored building materials that might act as temporary resting places are raised off the ground, e.g. on pallets or batons, away from hedgerows on site. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on. Any excavations are backfilled before nightfall or a ramp left to allow trapped animals to escape easily - this is particularly important if holes fill with water. If a reptile or amphibian (with exception of a Great crested newt) is found, then it should be moved carefully out of harm's way. In the unlikely event that a Great crested newt is encountered during works, works must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.
- 111 The applicant is reminded that during the course of any development works at this site the existing Public Rights of Way should be protected to a minimum width of two metres, and the current surface maintained. In addition, the Public Right of Way must remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route must not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) to be made good by the applicant to the satisfaction of the Highway Authority. If the above cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. Further information and guidance should be sought from the Rights of Way officer (row@hertfordshire.gov.uk) before any works take place.
- 112 The applicant is advised that any future submission in respect of the Landscaping Reserved Matter should, in connection with Condition 6 (Biodiversity Enhancement and Management Plan), make adequate provision for the existing boundary hedgerows to be gapped up with appropriate species.
- 113 The applicant is advised to review and take into consideration the points raised within Herts Ecology's comments and incorporate these into the schemes submitted for any subsequent Landscaping and Layout Reserved Matters.
- 114 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.

- 115 It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.
- 116 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.
- 117 The applicant is advised that all new highway associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.