

## PLANNING COMMITTEE – 27 MAY 2021

### PART I - DELEGATED

5. **20/1881/FUL - Demolition of existing buildings for residential development comprising two-storey houses and three-storey blocks of flats (160 dwellings in total), together with car parking, landscaping, and other associated works at KILLINGDOWN FARM, LITTLE GREEN LANE, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3JJ**  
(DCES)

Parish: Croxley Green

Ward: Dickinsons

Expiry of Statutory Period: 28.05.2021 (Agreed Extension)

Case Officer: Claire Westwood

**Recommendation: That the decision be delegated to the Director of Community and Environmental Services and that PLANNING PERMISSION BE GRANTED, subject to the conditions set out at section 8.1 and subject to the completion of a S106 Agreement.**

Reason for consideration by the Committee: Called in by 3 Members of the Planning Committee due to the level of local interest and by Croxley Green Parish Council whose comments are set out in full at section 4.1.1 below.

#### **Update 27.05.2021:**

The application was considered by Members at the Planning Committee Meeting on 25.02.2021. At that meeting the application was deferred to enable the Local Planning Authority to seek the opinion of an independent Highways Consultant in respect of the suitability of the access from Little Green Lane.

An independent review was carried out by Markides Associates. A copy of the report has been circulated to Members of the Planning Committee and was also placed online with the application documents.

The report concludes that it was not unreasonable of the Highway Authority to accept that the provision of a 4.8m carriageway and 2m footway (with localised reductions where land constraints require) on Little Green Lane is adequate to serve the proposed development. The proposed development would not be expected to result in severe adverse impact on road network capacity.

In response to Member and public concerns regarding the development amended plans were submitted in April. In summary the amendments are;

- Increased hedge retention at main site entrance, plot 2 adjusted to accommodate this.
- Increased hedge retention to southern cul-de-sac fronting The Green through rotation of plots 153 and 160 to face onto cul-de-sac and footpath adjusted to run along the inside of the hedge.
- Plot 26 set further from boundary to provide increased separation distance to No. 5 Little Green Lane in response to concerns that plot 26 would be overbearing to this neighbour.

Following receipt of the amended plans a 14 day re-consultation was undertaken as set out at 4.2.5 below.

The text below this point (titled Update 25.05.2021) is taken from the February committee report. However the development description and analysis below this have been updated where appropriate to reflect the above amendments. The following paragraphs have been materially updated/amended since the February Committee Report (7.6.15; 7.7.7; 7.7.9; 7.10.21-23; 7.13.5; and 7.16).

**Update 25.02.2021:**

A preliminary report was considered by Members at the reconvened Planning Committee Meeting on 17 December 2020. The report below has been updated, with the proposals discussed in full, however, the table below provides a summary of the main points raised at the Planning Committee meeting on 17 December and a short response. This is not an exhaustive list, and as noted above, the analysis below has been updated.

<b>MATTER RAISED</b>	<b>RESPONSE</b>
Concerns regarding principle of residential development.	The principle of residential development has been established through the site allocation process. The site is allocated with an indicative capacity of 140-180 dwellings. It is noted that the site allocation refers to a larger area including the existing farm which does not form part of the site, however, the number of dwellings proposed (160) sits within the middle of the indicative capacity. Discussed at 7.2 below.
Concerns regarding overdevelopment.	The development would result in a density of approximately 27 dwellings per hectare. As noted above, the site allocation identifies a slightly larger area and has an indicative capacity of 140-180 dwellings which would equate to a density of approximately 24 dwellings per hectare if 180 dwellings were delivered. The proposal would therefore accord generally with the dwelling capacity for the site and is not considered to represent an overdevelopment of the site. It is also noted that the development would provide policy compliant levels of amenity space, open space and car parking which is further indicative that the scheme does not represent overdevelopment.
Concerns regarding access from Little Green Lane.	<p>As discussed at section 7.10 below, HCC as Highways Authority considers that the proposal would not have an unreasonable or significant impact on the safety and operation of the surrounding highway network and raise no objection on highways grounds subject to conditions.</p> <p>The existing road can accommodate farm traffic and other large vehicles associated with the existing use. The proposal includes widening the carriageway on Little Green Lane (between its junction with Baldwins Lane and the application site) to 4.8 metres in addition to the provision of a 2 metre wide footway on the east side of the Lane. These works are fully within the extent of the highway boundary and would not encroach onto The Green. The Highway Authority consider that the carriageway would be of appropriate width to accommodate vehicular traffic.</p>

<p>Impact on parking for properties in Dugdales fronting Little Green Lane.</p>	<p>Occupiers of the 4 existing dwellings on Dugdales which front Little Green Lane would not be prevented from parking outside their properties.</p> <p>A swept path analysis for an 11.5 metre long refuse vehicle travelling past a parked car on Little Green Lane outside these properties has been provided. The details submitted are considered acceptable by the Highway Authority who does not identify any requirement for parking restrictions along Little Green Lane. This means that occupiers of the 4 existing dwellings on Dugdales which front Little Green Lane would continue to be able to park outside their properties and that this would not restrict access to the application site (or beyond) including for refuse and emergency vehicles.</p>
<p>Query if it is appropriate to connect with existing public footpath to the east.</p>	<p>HCC as Highway Authority are supportive of the proposal to connect the propose development to the existing public right of way to the east of the site. This would be in accordance with Policies within the Core Strategy which seek to ensure connectivity and also with Policy H03 of the Neighbourhood Plan which advises that all new development should connect into the existing networks and improve their connectivity.</p> <p>An Informative is requested by HCC as the public right of way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works and the condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials should be made good by the applicant to the satisfaction of the Highway Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.</p>
<p>Further details regarding parking requested, including accessible spaces and cycle parking.</p>	<p>The proposed development would provide a policy compliant level of car parking and would exceed the number of assigned spaces required by policy. The spaces proposed would comply with emerging guidance in relation to their size. The allocation and management of car parking spaces, including accessible spaces would be secured via a Parking Management Plan. A policy compliant level of secure cycle storage would also be provided and the development would accord with the emerging policy in respect of the provision of EVCPs.</p>
<p>Query regarding level of Electric Vehicle Charging Points (EVCPs).</p>	<p>TRDC current adopted policy does not require EVCP, however, the draft parking policy approved by the Local Plan Sub-Committee and Policy &amp; Resources Committee includes a requirement for 20% of spaces for all residential development to be active provision and the remaining 80% of spaces to be passive. The application proposes active charging points for 20% of spaces with the remaining 80% passive, enabling future conversion. Very limited weight can be attached to the emerging</p>

	<p>policy, however, the proposal accords with the intentions of that policy.</p>
<p>Query re quality of accommodation (reference to space standards)</p>	<p>There are no space standards for new dwellings specified within the Local Plan, however, the internal room configurations proposed would comply with Building Regulations and would also comply, and often significantly exceed, the Nationally Described Space Standards (NDSS), to ensure adequate room areas with space for furniture and storage requirements. Please refer to section 7.8 below.</p>
<p>Concerns regarding location of attenuation pond. Is it appropriate in the Green Belt? Impact on walkers and residents of Croxley.</p>	<p>As set out at section 7.3 below, the attenuation pond is considered an appropriate form of development within the Green Belt as it would maintain openness and would not conflict with the purposes of including land within the Green Belt.</p> <p>The attenuation pond would be located on private land and would not obstruct any public right of access. The attenuation pond and ecological enhancements would be visible, but visibility does not automatically amount to harm and this aspect of the proposal is considered acceptable for the reasons discussed in the report.</p>
<p>Concerns regarding sustainability of development, particularly in the context of the Climate Emergency declared by TRDC.</p>	<p>The application originally proposed a 7.70% reduction in carbon dioxide emissions over Building Regulations Part L (2013) which exceeded the current policy requirement of 5%. However, following the consideration of a preliminary report at the Planning Committee in December 2020, the applicant has provided an amended Energy Statement. It is now proposed to include Air Source Heat Pumps (ASHP) to all houses regardless of tenure and electric only heating to the flatted blocks. Adding these technologies to the proposed scheme in addition to the fabric first approach (the built envelope seeking to be as efficient as possible) improves the performance of the dwellings to deliver a 29.6% carbon saving when assessed against Building Regulations Part L 2013. This would significantly exceed the current policy requirement and supports the Council's commitment to the Climate Emergency.</p>
<p>Impact on trees.</p>	<p>In total 15 trees and hedgerows are proposed to be removed, however, all Category A trees would be retained. A detailed landscaping scheme has been submitted with the application which includes the proposed planting of 178 new indigenous trees and hedgerows. The Landscape Officer raises no objections on tree or landscape grounds subject to conditions.</p>
<p>Impact on ecology.</p>	<p>The Ecological Impact Assessment Report suggests a number of mitigation measures to ensure that retention or replacement of important habitats is promoted, that legally protected species are not harmed, and that biodiversity net gain from the development is achieved.</p>

	Hertfordshire Ecology raise no objection to the proposal on ecology grounds subject to conditions (discussed in section 7.14 below).
Is the housing mix appropriate?	The housing mix was discussed with the Housing Officer prior to submission and they raise no objections, commenting that it is encouraging to see a good mix of family sized accommodation. The application also proposes a policy compliant level of affordable housing which would be provided on site. Discussed at 7.4 below.

## 1 Relevant Planning History

- 1.1 20/1314/EIA - EIA screening request: 160 dwellings set within open space and a sustainable drainage system. Determined 17.07.2020.

## 2 Description of Application Site

- 2.1 The application site is located to the north of the village of Croxley Green. It has an area of approximately 7.5 hectares and is relatively flat and consists of fields forming part of Killingdown Farm. The application site wraps around three sides of the original complex of farm buildings and is surrounded by established trees and hedgerows. There are also a number of trees within the site, some of which are protected. The site also includes an area of land to the north, separated from the main site by Little Green Lane.
- 2.2 The western part of the site falls within the Croxley Green Conservation Area and Killingdown Farmhouse (outside but enclosed by the application site) is Grade II Listed. The main part of the site is an allocated housing site (H10), although the allocation includes the complex of farm buildings which do not form part of the application site. The site was removed from the Green Belt when it was allocated. The area of land to the north of Little Green Lane does not form part of the site allocation area and is within the Green Belt.
- 2.3 The western boundary adjoins Little Green Lane, a public highway. To the west of Little Green Lane is 'The Green'. To the north west of the application site there is a small group of residential properties grouped around a pond. These include No's 1, 2 and 3 Little Green Lane, cottages that are Grade II Listed. Little Green Lane continues along the northern boundary of the main site as an unmade public highway, a narrow lane lined by hedgerows and trees. There is mesh fencing to the eastern boundary with a public right of way and fields beyond. To the south of the site are the residential dwellings which front Dugdales, Lovatts, and Grove Crescent
- 2.4 The closest local amenities to the site are located on Baldwins Lane to the south comprising a local parade of 8 units including a convenience store, green grocer, news agents and chemist. They are located approximately 0.3 miles (7 minute walk) from the main site entrance.

## 3 Description of Proposed Development

- 3.1 Planning permission is sought for the demolition of existing buildings to enable the residential development of the site comprising two-storey houses and three-storey blocks of flats (160 dwellings in total), together with car parking, landscaping, and other associated works.
- 3.2 The existing farm buildings proposed to be demolished are located to the immediate east and south of Killingdown Farm and the retained complex of farm buildings.

- 3.3 The site will be accessed via Little Green Lane which is proposed to be improved to accommodate the additional traffic movement associated with the development. Little Green Lane is currently a single track road between 3.8m and 4.5m in width and is proposed to be widened to 4.8m and will feature a 2m wide footway on the eastern side running from Baldwins Lane and then north into the development. The western kerb edge closest to The Green remains on its current alignment. The works are proposed within the extent of existing highway land or applicants control and do not encroach onto The Green. Following the submission of amended plans proposing increased hedge retention to southern cul-de-sac fronting The Green through the rotation of plots 153 and 160 to face onto cul-de-sac, the footpath has been amended at this point to run along the inside of the hedge.
- 3.4 The main vehicle access would be sited to the immediate north of the existing Killingdown Farm and would be the sole vehicular access to the internal road network which would have a north-south and east-west primary road pattern and would serve 151 dwellings. At this point, Little Green Lane would be diverted into the site in recognition of the anticipated predominant flow for vehicles and minimising the potential for vehicles to travel north on Little Green Lane. To the north of this access an individual dwelling (Plot 1) would be accessed directly from Little Green Lane. A further access to the south of the farm complex (north of existing property at No. 12 Dugdals) would serve a small no-through road with 8 dwellings. Whilst there have been no changes to the vehicular access to the cul-de-sac, as noted above, amended plans have been submitted proposing increased hedge retention to the southern cul-de-sac fronting The Green through the rotation of plots 153 and 160 to face onto cul-de-sac and the re-positioning of the footpath at this point to run along the inside of the hedge. The site layout was also amended earlier during the application to provide a pedestrian link through into the main part of the site from the cul-de-sac.
- 3.5 Pedestrian access would be via Little Green Lane to the west and from the Public Right of Way that runs adjacent to the eastern site boundary, connecting Grove Crescent in the south with Little Green Lane to the north.
- 3.6 The application proposes a total of 160 residential units, of which 72 (45%) would be affordable and 88 (55%) would be for private sale. The proposed housing mix is set out in the table below:

No. Beds	Private		Shared Ownership		Affordable Rent		Total	
1	0	0	5	24%	12	24%	17	11%
2	22	25%	9	43%	21	41%	52	33%
3	41	47%	7	33%	17	33%	65	41%
4+	25	28%	0	0%	1	2%	26	16%
Total	88	100%	21	100%	51	100%	160	100%
Total			S/O 29%		Affordable 71%		100%	
	Private 55%		S/O and Affordable 45%					

- 3.7 The affordable dwellings comprise of 1 and 2 bedroom apartments, mixed with 2, 3 and 4 bedroom dwelling houses. The dwelling houses have been arranged in three clusters across the site with the apartments in three blocks to the south-east of the site.
- 3.8 A full accommodation schedule is set out below:

Market Dwellings				
No. of Units	Description	No. of Bedrooms	Parking Spaces	Garage Spaces
3	Terraced	2	2	0
18	Semi Detached	2	2	0
1	Detached	2	2	0
16	Semi Detached	3	2	0
14	Detached	3	2	0
4	Linked Detached	3	1	1
7	Detached	3	1	1
6	Detached	4	2	1

9	Detached	4	2	1
3	Detached	4	2	2
7	Detached	5	2	2
Total 88			165	46

Affordable Dwellings				
No. of Units	Description	No. of Bedrooms	Parking Spaces	Garage Spaces
5	S/O Flat	1	1	0
6	S/O Flat	2	2	0
3	S/O Terrace	2	2	0
4	S/O Semi Detached	3	2	0
3	S/O Detached	3	2	0
12	Flat	1	1	0
16	Flat	2	2	0
1	Flat	3	2	0
3	Terrace	2	2	0
2	Detached	2	2	0
14	Semi Detached	3	2	0
2	Detached	3	2	0
1	Detached	4	3	0
Total 72			128	0

- 3.9 In total 358 parking spaces are proposed. This is comprised of 165 parking spaces and 46 garages serving the Market Dwellings; 128 private parking spaces serving the Affordable Dwellings; and 19 unassigned spaces.
- 3.10 The development will consist of two-storey dwelling houses (detached, semi-detached and terraced) of varying designs, and three-storey flatted blocks, all set within a landscaped setting. A traditional design is proposed which references Arts and Crafts detailing with pitched roofs with hipped, cat-slide features and gables on larger buildings. External materials are to reflect those seen locally, with soft red facing bricks with tonal variations and roofs finished in red or grey roof tiles. Accent materials such as facing render and tile hanging are also proposed.
- 3.11 The 'Plot Reference Schedule' identifies which plots would be of which dwelling design and should be read in conjunction with the proposed site layout plan which identifies the plot numbers. Some examples are provided below:

*Plots 30 – 31:*

3 bedroom 6 person semi-detached dwellings. Front and rear facing gables to both ends with a maximum height of 7.2 metres. The dwellings would be adjoined via the central element which would be set back from the front building line with garages at ground floor and first floor accommodation above served by front dormer windows. The pair would have a combined width of 16.7 metres and a maximum depth of 11 metres at ground floor, reducing at first floor.

*Plots 70-72:*

2 bedroom 4 person terrace of 3 dwellings with gable ends to both flanks. Combined width of 14.7 metres, depth of 6.9 metres plus open porches and maximum height of 6.7 metres.

*Plots 8, 49, 64, 76, 82, 86 and 150:*

3 bedroom 5 person detached dwellings with front porch canopy, front and rear facing gables and feature chimney. Width 5.4 metres, depth 8.1 metres plus canopy porch and height 7 metres.

*Plots 5, 29, 36, 154 and 158:*

4 bedroom 7 person detached dwelling with pitched roof and two-storey pitched roof forward projection set down from the main ridge with bay window at ground floor. Integral garage. Maximum width 8.2 metres, depth 9.8 metres and height 7 metres.

*Plot 160:*

5 bedroom 9 person detached dwelling with attached double garage. Dutch hip roof over two-storey element with front projecting gable. Feature porch and chimney. Single storey side element with pitched roof housing double garage. Maximum width 18.7 metres at ground floor (including attached double garage) and 12.4 metres at first floor. Maximum depth of 11.6 metres (including two storey front projection) and height of 9 metres.

*Apartment Block 1 (Plots 94-112):*

The largest of the three apartment blocks, predominantly three storeys with gabled roofs but including lower elements with catslide roofs and second floor accommodation served by dormer windows. Maximum height of 12 metres, maximum width 41 metres (south elevation) but incorporating stepped elements and maximum depth 20 metres (west elevation).

- 3.12 The dwellings are designed to Building Regulations M4(1) 'Visitable Dwelling' with 45% of the proposed dwellings enhanced to achieve M4(2) 'Accessible and Adaptable Dwelling' standard.
- 3.13 The Tree Survey identified 27 individual trees, 7 groups of trees, 4 areas of trees and 9 hedgerows. The Tree Survey and Report identifies some Category A and B trees. These are all proposed to be retained and incorporated within the landscaping scheme. Field hedges within the site are identified as low quality and are proposed to be removed. The existing orchard is proposed to be relocated within the site. The Leylandii hedge around the farmyard is proposed to be removed. The perimeter hedging and trees are generally proposed to be retained and enhanced where required, with the amended plans proposing additional hedgerow retention at the main site entrance and to the front of the cul-de-sac fronting The Green, through the re-orientation of plots 153 and 160. In total 15 trees and hedgerows are proposed to be removed. A detailed landscaping scheme has been submitted with the application which would include the proposed planting of 178 new indigenous trees and hedgerows. The landscaping scheme has been amended to incorporate the additional hedgerow retention referenced above.
- 3.14 The proposal includes 0.59 hectares of land for open space, comprising formal and informal open space areas and children's play equipment which would be accessible to both residents of the proposed development and wider area. The spaces are located throughout the site to provide a network of green spaces. A Local Equipped Area for Play (LEAP) is proposed centrally and would be within 400m walking distance of all proposed dwellings. The LEAP would provide 400sqm of play space. Smaller 'door-step' play spaces of 100sqm are proposed throughout the site within 100m of all dwellings. A natural play space is proposed to the eastern site boundary, incorporating an existing Oak tree (category A) at its centre.
- 3.15 The northern part of the site (north of Little Green Lane) will provide ecological enhancements and drainage attenuation, with a depression in the ground acting as a dry



pond. The attenuation basin would reflect the natural change in levels with gradients of no more than 1:4.

3.16 The application is accompanied by a number of plans and supporting reports including:

- Planning Statement
- Design and Access Statement
- Landscape Visual Impact Assessment
- Landscape Management Plan
- Energy Statement
- Tree Survey and Report
- Biodiversity Assessment
- Biodiversity Checklist
- Biodiversity Net-Gain Report
- Geo-environmental Assessment
- Light Impact Assessment
- Noise Impact Assessment
- Heritage Statement
- Archaeological Desk Based Assessment
- Flood Risk Assessment and Drainage
- Statement of Community Involvement
- Transport Assessment and Travel Plan
- Archaeological Evaluation Report (submitted during application)

3.17 During the application additional / amended details have been provided, in summary:

- Amended site layout to introduce pedestrian access from southern cul-de-sac into main site (in response to comments from HCC as Highway Authority).
- Archaeological Evaluation Report submitted (in response to HCC Historic Environment Officer).
- Amended / additional drainage details submitted (in response to comments from HCC as Lead Local Flood Authority).
- Amended Sustainability Statement proposing the introduction of Air Source Heat Pumps (ASHPs) and thereby increasing the saving over the 2013 Building Regulations to 29.6% (discussed in the analysis below).
- Increased hedge retention at main site entrance, plot 2 adjusted to accommodate this.
- Increased hedge retention to southern cul-de-sac fronting The Green through rotation of plots 153 and 160 to face onto cul-de-sac and footpath adjusted to run along the inside of the hedge.
- Plot 26 set further from boundary to provide increased separation distance to No. 5 Little Green Lane in response to concerns that plot 26 would be overbearing to this neighbour.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Croxley Green Parish Council: [Objection]**

4.1.1.1 **Initial comments:** Croxley Green Parish Council objects to the above application with concerns over site access, the detrimental effect on the Conservation Area, the proposal not meeting policies CA1 and PR01 of the Croxley Green Neighbourhood Plan, a lack of infrastructure contained in the plans and the further strain on existing resources and further issues around the environment, climate change and sustainability.

Croxley Green Parish Council has studied the many documents provided by the applicant and some of the responses from other consultees.

The site was removed from the Green Belt and included in the site allocations document despite objections from the Parish Council and many residents. The Parish Council continues in the view that it would prefer this site not to be developed, to preserve the rural character of the area, protect the Conservation Area and the setting of the listed buildings.

Nevertheless, the Parish Council accepts that the decision to allocate this site for development was approved by the Inspector and part of the proposed site for development is included in the Local Plan Site Allocations. The part required for environmental mitigation was NOT included in the Local Plan Site Allocations and the Parish Council has reservations about the proposed development on this part of the site, which is adjacent to but outside the Parish Area and is on Green Belt land.

### **Access**

The proposed development of 160 dwellings will create a great deal of additional traffic and we note the correspondence with Hertfordshire County Council about vehicle access.

We believe that the analysis by TPA is deficient in a number of ways.

Firstly, by considering the site as being in a walkable neighbourhood. Whilst people are likely to walk locally for exercise, most of the local facilities in Croxley Green are some distance from the site – for example the underground railway station – and we anticipate that residents are likely to use cars for many of their local trips, for employment, education, shopping and to access medical services. We consider that TPA has significantly underestimated the likely number of vehicles to and from the site, particularly in the peak periods. The consequence is more traffic on Little Green Lane and at the junction with Baldwins Lane, and more vehicles parked within the development site.

We are also concerned that the traffic analysis at the junction seems to treat the staggered junction at Baldwins lane as two separate junctions. It is in fact an offset crossroads and much of the traffic to and from the site is likely to cross Baldwins Lane to the Green. We believe that the trip generation model should be rerun on the basis of a car dependent development and that the capacity of this junction should be analysed with background traffic growth as this can be a tricky junction at the best of times and it will become very difficult with increased traffic from Little Green Lane.

Little Green Lane has no proper sight lines down Baldwins Lane and is dangerous to exit. The large increase in volume of traffic at this junction would be a major traffic hazard. To create a safe junction, it would either require an encroachment onto The Green to widen the road or the installation of traffic lights and neither of those options are acceptable in a Conservation Area.

We also note that there has been no swept vehicle analysis for access to the rest of Little Green Lane, which will be required for service and emergency vehicles, and for farm vehicles to access adjoining farm land along the rest of Little Green Lane. We consider that access to Little Green Lane from the Sarratt Road or at the Lincoln Drive junction is not adequate to meet the needs of the houses at Little Green or the adjacent farmland.

CGPC request that alternative access to the site be made from Grove Crescent to alleviate these concerns.

### **Environment & Biodiversity**

CGPC believe that the development of the Killingdown Farm site will have a detrimental impact on existing wildlife in the area. CGPC request that a Nature Conservation Management Plan must be carried out prior to any works being started to identify impacted wildlife and arrange for relocation of wildlife. The plans also state that the development will result in a net-gain of biodiversity, but we feel this will be too hard to prove and should not

be used as an advantage for the development. We note the proposal to retain some of the trees and hedges within the site and to supplement them by gardens. However we doubt that small semi-urban gardens can compensate for the well-established pastures on the site and consider additional mitigation is needed

### **Climate Change & Sustainability**

The Croxley Green Neighbourhood Plan Aim 5 states that “all new buildings...in the parish should be designed and constructed to the highest standards of energy efficiency and to be carbon neutral”. In 2019 TRDC recognised the climate emergency and committed to making its own operations carbon neutral by 2030, and to helping the district achieve the government target of net zero carbon by 2050. The proposed development falls well short of attempting to meet these aspirations. The outdated energy methods proposed by the developer would be in place for centuries and it will be more costly for future owners of the homes to retrofit sustainable energy sources.

We are very concerned that the developers are proposing a development that is NOT to the highest environmental standards. We accept that the Government has set a minimum standard for new dwellings but we believe that TRDC should seek a much higher standard for this development, as a showcase of what can be achieved in terms of reducing carbon emissions from new buildings, and as a benchmark for the future development we anticipate will be required within the district over the next decade.

Parish councillors have spoken to the developers about achieving a higher standard and the developers have confirmed that they have designed the shell of the buildings to a higher standard. However, they are not planning to install low energy systems (such as heat pumps) or energy capture systems (such as solar panels) and claim that the cost would be prohibitive. We understand from the BRE that the cost of retrofitting such systems (which will be needed to meet the Government’s zero emissions targets) is several times higher than the cost of designing and fitting them in new buildings. This seems a golden opportunity to modify the design of the buildings to accept such systems without modification and offering them as an additional option for forward looking purchasers.

For example, by having an illustrative design for a system that could be fitted immediately and then providing the necessary spaces, cavities and ducting to make installation cheap and straightforward.

We note that no consideration has been given to the need for electric vehicle charging points (which will be required within a few years) or to provision for the storage of bicycles (which are likely to become more popular for local journeys, particularly electric bicycles and bicycles towing attachments for luggage or small children)

### **Conservation Area & Design**

The developer has made little or no distinction between the part within the Conservation Area and the part outside the Conservation Area, with a detrimental impact on the Conservation Area and the setting of the listed buildings. We share the Conservation Officer’s concern about the impact on the Area and the heritage buildings and the findings in the report from Tetrack Planning regarding the scale of housing contained within the Conservation Area.

We have concerns that the developer has attempted to increase the capacity of the site by removing part of the site area allocated for development from this proposal (the listed buildings and the farm curtilage) and by placing environmental mitigation measures off site (on adjoining land in the Green Belt).

In our view this leads to an overly dense development of the site with the potential for additional development on the farm building area which includes listed buildings.

For these reasons we feel the development does not meet either Policy CA1 or PR01 of the Croxley Green Neighbourhood Plan.

### **Infrastructure**

The development of the Killingdown Farm site equates to around a 3% increase in both housing stock and population size. CGPC is disappointed that there has been no provision made for healthcare, retail, or recreation space. The area of north Croxley Green suffers from intermittent water shortages, and regular burst water piping, and the development will increase the strain on already stretched resources.

### **The Green**

Any attempt to reduce the size of the Green will be strongly resisted by the Parish Council.

#### 4.1.1.2 Further comments 11.05.2021:

Croxley Green Parish Council again objects to the above application with concerns over site access, the detrimental effect on the Conservation Area, the proposal still not conforming with policies CA1 and PR01 of the Croxley Green Neighbourhood Plan, a lack of infrastructure contained in the plans, the additional strain on existing resources and further issues around the environment, climate change and sustainability.

Croxley Green Parish Council has studied the many documents provided by the applicant, including those not contained at the previous response stage.

The site was removed from the Green Belt and included in the site allocations document despite objections from the Parish Council and many residents. The Parish Council continues in the view that it would prefer this site not to be developed, to preserve the rural character of the area, protect the Conservation Area and the setting of the listed buildings.

Nevertheless, the Parish Council accepts that the decision to allocate this site for development was approved by the Inspector and part of the proposed site for development is included in the Local Plan Site Allocations. The part required for environmental mitigation was NOT included in the Local Plan Site Allocations and the Parish Council has reservations about the proposed development on this part of the site, which is adjacent to but outside the Parish Area and is on Green Belt land.

### **Access**

Despite the comments of the Independent Highway Engineer, CGPC consider that the road junction at Baldwins Lane, based on local knowledge of driving conditions, will prove difficult to negotiate and be dangerous to exit.

Little Green Lane has no proper sight lines down Baldwins Lane and the large increase in volume of traffic at this junction would be a major traffic hazard. To create a safe junction, it would either require an encroachment onto The Green to widen the road or the installation of traffic lights and neither of those options are acceptable in a Conservation Area.

CGPC note that the Highways Engineer's report takes the view that access road can fit within the existing road footprint, but by reducing the width of the footpath. As this access road standard is less than the recommended standard for this size of development, CGPC does not consider this is satisfactory and we object to this issue.

CGPC request that alternative access to the site be made from Grove Crescent to alleviate these concerns in accordance with the plans put forward in the Public Inquiry of 2014.

### **Climate Change, Sustainability, Environment & Biodiversity**

The Croxley Green Neighbourhood Plan Aim 5 states that “all new buildings...in the parish should be designed and constructed to the highest standards of energy efficiency and to be carbon neutral”. In 2019 TRDC recognised the climate emergency and committed to making its own operations carbon neutral by 2030, and to helping the district achieve the government target of net zero carbon by 2050. We do note that the developer will now install air source heat pumps, and this is welcomed, but does not mitigate the remaining objections.

CGPC believe that the development of the Killingdown Farm site will have a detrimental impact on existing wildlife in the area. CGPC request that a Nature Conservation Management Plan must be carried out prior to any works being started to identify impacted wildlife and arrange for relocation of wildlife. The plans also state that the development will result in a net-gain of biodiversity, but we feel this will be too hard to prove and should not be used as an advantage for the development. CGPC note the proposal to retain some of the trees and hedges within the site and to supplement them by gardens. However, we doubt that small semi-urban gardens can compensate for the well-established pastures on the site and consider additional mitigation is needed.

From discussions with the residents in the area, CGPC are still very concerned about the Ancient Hedge facing The Green. Even though the plans indicate that some hedgerow has been left to shield the new houses nearest the Green, the plans still require the removal of significant stretches of ancient hedgerow and run all traffic straight through Croxley’s Conservation Area, resulting in a loss of habitat whilst increasing road and light pollution.

### **Conservation Area & Design**

CGPC share the Conservation Officer’s concern about the impact on the Conservation Area and the heritage buildings as well as the findings in the report from Tetrick Planning regarding the scale of housing contained within the Conservation Area.

CGPC have concerns that the developer has attempted to increase the capacity of the site by removing part of the site area allocated for development from this proposal (the listed buildings and the farm curtilage) and by placing environmental mitigation measures off site (on adjoining land in the Green Belt).

In our view this leads to an overly dense development of the site with the potential for additional development on the farm building area which includes listed buildings. For these reasons we feel the development does not meet either Policy CA1 or PR01 of the Croxley Green Neighbourhood Plan.

Clause 6.4.2 in the Neighbourhood plan states clearly that the proposed development should reflect the character of the adjoining character areas. The developer has made little or no distinction between the part within the Conservation Area and the part outside the Conservation Area, with a detrimental impact on the Conservation Area and the setting of the listed buildings. CGPC strongly support the views put forward in the report by Bridget Sheppard, commissioned by Grant Murray, which can be viewed at [https://www3.threerivers.gov.uk/onlineapplications/files/B0B061F011FCAC6D4DC076136F0D5CA1/pdf/20\\_1881\\_FULOBJECTION\\_FROM\\_HERITAGE\\_CONSULTANT-620694.pdf](https://www3.threerivers.gov.uk/onlineapplications/files/B0B061F011FCAC6D4DC076136F0D5CA1/pdf/20_1881_FULOBJECTION_FROM_HERITAGE_CONSULTANT-620694.pdf) .

As stated on the TRDC website, “all applications for planning permission are considered from the conservation point of view and can be refused on conservation grounds alone. This applies to planning applications not only in the conservation area itself but also in the vicinity. Permission or consent should be granted only if a proposal enhances or preserves the character or appearance of the Conservation Area”. CGPC consider that this advice must be adhered to for this development.

## **Impact on Existing Houses**

The setting of the listed buildings at 1-3 Little Green Lane will still suffer substantial damage from over-development and disproportionate/unsympathetic buildings immediately behind them as well as road noise from the proposed access. These factors have not been addressed, let alone rectified.

As the cottages are amongst the few, and oldest, listed buildings that Croxley Green possesses, the sheer scale, height, and proximity of Plot One in particular, dwarfs the cottage from every angle and is present as a dominating factor from both the cottage itself and to passers-by enjoying the pond and its environs.

## **Infrastructure**

The development of the Killingdown Farm site equates to around a 3% increase in both housing stock and population size. CGPC is disappointed that there has been no provision made for healthcare, retail, or recreation space. The area of north Croxley Green suffers from intermittent water shortages, and regular burst water piping, and the development will increase the strain on already stretched resources.

In addition, CGPC still consider that the mix of housing should be improved to better reflect the demand required in Croxley Green as stated in policy HO1 in the Neighbourhood Plan. This would enable the older residents of Croxley Green who want to move out of their family homes into something more appropriate to do so without having to leave Croxley Green.

## **The Green**

Any attempt to reduce the size of the Green will be strongly resisted by the Parish Council.

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

4.1.2.1 Interim Response 08.10.2020 [Further information/amendments requested]

The proposals comprise of the construction of 160 residential dwellings on land at Killingdown Farm, Little Green Lane, Croxley Green. Little Green Lane borders the western and northern boundaries of the site and is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. Public footpath Croxley Green 013 runs adjacent to the eastern and south-eastern boundary of the site. The proposals are on allocated housing site H(10).

The application site is accessed via Little Green Lane from the south, which has a carriageway width of between 3.8m and 4.5m and narrows to approximately 2.8m wide to the north of the site. The stretch of the lane running adjacent to the north side of the site is an unmade track in poor condition. There are no existing footways along Little Green Lane nor any street lighting. The access arrangements were discussed as part of pre-application discussions and an on-site meeting with Hertfordshire County Council (HCC) as Highway Authority. The location of the access points and general layout of the site is considered to be acceptable. Nevertheless following assessment of the submitted plans and TA and to ensure that the proposals are acceptable from a highways and transport perspective, HCC as Highway Authority is recommending that further information and amendments are submitted including:

1. Swept path analysis for a 12m long refuse vehicle (in accordance with the truck used by Three Rivers District Council as waste collection authority). This should include at all points where the proposed on-street car parking points within the site are proposed and turning heads within the site. If this is not achievable then a 5.5m wide carriageway within the site would need to be provided with updated swept-paths. Consideration would be required as

to how a refuse or heavy goods vehicle would be able to access Little Green Lane from The Green if vehicles are parked on the highway fronting any of the existing properties. Cars have been observed to park on the highway carriageway on 05/10/2020 and are also visible on Google Streetview. Double yellow lines restricting parking along Little Green Lane may need to be considered if access can not be sufficiently illustrated via a swept path for a refuse vehicle and HGV.

2. Visibility splays of 2.4m by 25m at the main junction points within the site in accordance with Manual for Streets. All visibility splays would need to be permanently available and therefore not within any ownership of adjacent properties.

3. Updated plan indicating areas to be adopted. The Highway Authority would recommend that the areas as indicated green on the plan below are offered to be dedicated as highway and subsequently adopted as maintainable at public expense pursuant to Section 38 of the Highways Act 1980. This would include the carriageway and any footways at these points.



4. Provision of a 2m wide footway on both sides of the proposed carriageways within the site that are recommended to be adopted at highway maintainable at public expense.

5. A Reduction in kerb radii from 10m to 6m at the 'southern' access from Little Green Lane into the short cul-de-sac – this is to reduce the carriageway distance in which pedestrians would need to cross the proposed bellmouth entrance.

6. A more extensive Indicative plan confirming all of the necessary 278 highway works required – these are indicated on drawing numbers SK01 and PL01 (detailed drawings can be secured as part of the formal 278 application process, secured via a condition) including:

- i. 2m wide footway on the whole of the east side of the carriageway along Little Green Lane (from the junction with The Green running north to the main application site);
- ii. Any widening of the carriageway along Little Green Lane required to increase the width of the carriageway to at least 4.8m;
- iii. Any necessary lighting along Little Green Lane;
- iv. Works to create the main vehicular access into the site ('northern' access) / alterations to the existing route Little Green Lane;
- v. New bellmouth entrance providing access to the 'southern' access to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side;

- vi. Any alterations required to the existing entrances into Killingdown Farm including tactile paving and pedestrian dropped kerbs;
- vii. Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides. The kerb line would be recommended to be widened as there is evidence that vehicles oversail the highway verge at this location.
- viii. Pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land.
- ix. any public footpath improvements / works required (details TBC through discussion with HCC'S Rights of Way officer) e.g. lighting, signage.

7. Submission of a Stage One Safety Audit (this may be provided as part of the s278 process if unable to be provided at the planning application consultation stage).

HCC as Highway Authority would recommend the submission of the above information in order for a full assessment of the acceptability of the proposals from a highways and transport perspective to be made.

#### 4.1.2.2 Full Response 19.11.2020 [Objection]

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council (HCC) as Highway Authority recommends that permission be refused for the following reason:

- 1) *The proposals do not demonstrate a sufficient level of safe and suitable access for pedestrians to and from the site and therefore the potential to support and promote sustainable forms of travel is limited. The lack of a pedestrian footway on the south side of the proposed access road into the site combined with the lack of a pedestrian access from the proposed "south" cul-de-sac to the remainder of the development limits the accessibility and permeability of the site for pedestrians and does not prioritise access for pedestrians. The proposals are therefore contrary to policy guidelines as outlined in National Planning Policy Framework (NPPF) paragraphs 108 to 110 and Hertfordshire's Local Transport Plan 2018 (LTP4), specifically policy 1: Transport User Hierarchy and Policy 5 – Development Management 5a) 5b) and 5g).*

Without prejudice in the event of the Local Planning Authority being minded to grant planning consent, the Highway Authority would request that any permission granted be subject to the following conditions:

##### 1. Provision of Visibility Splays

*Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan numbers 1908-012 VS02 and 1908-12 VS03. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.*

*Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).*

##### 2. Estate Roads

*No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section*



38 of the Highways Act 1980 and/or a Private Management and Maintenance Company has been established).

*Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).*

3. A: Highway Improvements – Offsite (Design Approval)

*Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as indicated on drawing no. 1908-012 PL06 E have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These works shall include:*

- i. 2m wide footway (or the maximum achievable width) on the whole of the east side of the carriageway along Little Green Lane (from the junction with The Green running north to the main application site);*
- ii. Any widening of the carriageway along Little Green Lane required to increase the width of the carriageway to at least 4.8m;*
- iii. Any necessary lighting along Little Green Lane;*
- iv. Works to create the main vehicular access into the site ('northern' access) / alterations to the existing route Little Green Lane, which would also include the dedication of additional land as highway (pursuant to Section 38 highways agreement);*
- v. New bellmouth entrance providing access to the 'southern' access to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side;*
- vi. Any alterations required to the existing entrances into Killingdown Farm including tactile paving and pedestrian dropped kerbs;*
- vii. Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides. The kerb line would be recommended to be widened as there is evidence that vehicles oversail the highway verge at this location.*
- viii. Pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land.*
- ix. Improvements to public footpath Croxley Green 013 including acceptable surfacing, lighting, signage and any other necessary works.*

B: Highway Improvements – Offsite (Implementation / Construction)

*Prior to the first use of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.*

*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 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).*

4. Provision of Internal Access Roads, Parking & Servicing Areas

*Prior to the first use of the development hereby permitted the proposed internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.*

*Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).*

5. Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste);
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

*Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).*

### **Planning Obligations**

Developer contributions of £6000 are sought via a Section 106 Agreement towards supporting the implementation, processing and monitoring of a full travel plan including any engagement that may be needed. For further information please see the following link <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

OR by emailing [travelplan@hertfordshire.gov.uk](mailto:travelplan@hertfordshire.gov.uk)

### **Highway Informatives**

HCC recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

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

*AN) Estate Road Adoption: The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption*

as public highway must be clearly illustrated on a plan. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

*AN) The Public Right of Way should 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 should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.*

*If the above conditions 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. A fee would be payable to Hertfordshire County Council for such an order. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 or [row@hertfordshire.gov.uk](mailto:row@hertfordshire.gov.uk) for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works. <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx>*

## **Comments / Analysis**

The proposals comprise of the construction of 160 residential dwellings on land at Killingdown Farm, Little Green Lane, Croxley Green. Little Green Lane borders the western and northern boundaries of the site and is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. Public footpath Croxley Green 013 runs adjacent to the eastern and south-eastern boundary of the site. The proposals are on allocated housing site H(10).

A Transport Assessment (TA), Design & Access Statement (DAS) and Framework Travel Plan (TP) have been submitted as part of the application.

### 1. Access & Highway

The application site is accessed via Little Green Lane, which has a carriageway width of between 3.8m and 4.5m to the south of the site and narrows to approximately 2.8m wide to the north of the site. The stretch of the lane running adjacent to the north side of the site is an unmade track in poor condition. There are no existing footways along Little Green Lane nor any street lighting.

#### a. Proposed Highway Works

The proposals include widening the carriageway on Little Green Lane to 4.8m in addition to the provision of a 2m wide footway on the east side of the Lane running from Baldwins Lane and then north into the development. There are two proposed new vehicle accesses from Little Green lane, one providing access to a small cul-de-sac south of the farm buildings and another north of the farm buildings providing access to the majority of the housing development, as indicated on drawing numbers 1908-012 PL06E, PL01 and SK1.

A Stage One Road Safety Audit and Designers Response has been submitted as part of the application (following a request from HCC as Highway Authority) for the proposed highways works and access along Little Green Lane. The details submitted also include a swept path-analysis for a 11.5m long refuse vehicle travelling past a parked car on Little Green Lane to the south of the site (drawing no. 1908-012). The details submitted in this respect are considered sufficient and acceptable. HCC as Highway Authority has

considered that there is not an identified highway safety reason to require any parking restrictions along Little Green Lane at this stage although any highway works would be subject to further safety audits carried out as part of the formal S278 agreement process.

HCC as Highway Authority considers that the levels of available vehicular to vehicular visibility at the proposed vehicle accesses onto Little Green Lane (as indicated on drawing no. 1908-012 VS03) are acceptable. Following consideration of all the submitted details and extent of highway boundary plan (copy submitted in Appendix H of the TA), the proposed access arrangements along Little Green Lane to the site are acceptable and in accordance with design guidance as laid out in Manual for Streets (MfS) and Roads in Hertfordshire: Highway Design Guide (RIH).

The applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the approval of the design and implementation of the works that would be needed on the highway including:

- i. 2m wide footway (or the maximum achievable width) on the whole of the east side of the carriageway along Little Green Lane (from the junction with The Green running north to the main application site);
- ii. Any widening of the carriageway along Little Green Lane required to increase the width of the carriageway to at least 4.8m;
- iii. Any necessary lighting along Little Green Lane;
- iv. Works to create the main vehicular access into the site ('northern' access) / alterations to the existing route Little Green Lane, which would also include the dedication of additional land as highway (pursuant to Section 38 highways agreement);
- v. New bellmouth entrance providing access to the 'southern' access to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side;
- vi. Any alterations required to the existing entrances into Killingdonn Farm including tactile paving and pedestrian dropped kerbs;
- vii. Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides. The kerb line would be recommended to be widened as there is evidence that vehicles oversail the highway verge at this location.
- viii. Pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land.
- ix. Improvements to public footpath Croxley Green 013 including acceptable surfacing, lighting, signage and any other necessary works.

#### b. Internal Site Road Layout

The general layout of the site (as shown on drawing number 108-PS-010 D) and 4.8m wide carriageways are acceptable for vehicular access when taking into account the size and scale of the proposed number of dwellings. A swept path analysis has been submitted as part of the supplemental highways response document dated 22/10/2020 (drawing number 1908-012 SP11), illustrating that a 11.5m long refuse vehicle would be able to utilise the internal access road layout, turn around and egress to Little Green Lane in forward gear, the arrangements of which are considered to be acceptable by HCC as Highway Authority. Nevertheless the acceptability of this would be dependent on the absence of on-street car parking at any of the required manoeuvrability areas (please also refer to section 2. Parking of this response). The acceptability of any waste collection details would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management. "Where unassigned spaces are provided on the carriageway, or on-street parking is likely to occur, the carriageway should be a minimum of 5.5m wide.....Parking provision shall not be located within the visibility splays at junctions and accesses. Parking areas should not obstruct forward visibility requirements, turning areas or inhibit the movement of refuse vehicles, buses or the emergency services" RiH, Sec 4, 9.2.

Visibility splays details have been submitted for the internal junctions within the site (following a request from HCC as Highway Authority). The visibility splays of 2.4m by 25m are shown on drawing number 1908-012 VS02 and considered to be acceptable for a 20mph designed road layout and accordance with MfS.

The proposals include direct pedestrian links from the east and south-east of the site to public footpath Croxley Green 013, which the highway authority is supportive of. Nevertheless the currently proposed provision for pedestrians into the site from the west are not acceptable. The proposed site layout requires pedestrians to cross from the south to the north side of the proposed main access road into the site and therefore is contrary to NPPF, para. 110 which states that applications should “give priority first to pedestrian and cycle movements”. In order to be acceptable a 2m wide footway along the full length of the south side of the access road into the site would need to be provided. This would be necessary to ensure that pedestrian accessibility and permeability maximised to ensure that the proposals are in accordance with Hertfordshire Local Transport Plan (LTP4) and NPPF. The submitted pre-application site plan also included a pedestrian link through the proposed “south” cul-de-sac into the site, which HCC as Highway Authority would also be supportive to improve permeability and accessibility.

c. Section 38 Agreement / areas to be dedicated as highway

There has been discussion as part of the planning application consultation as to which areas are proposed to be dedicated and subsequently adopted as highway pursuant to Section 38 of the Highways Act 1980. “On developments with no through route, only the main access road will be considered for adoption” Roads in Hertfordshire, Section 3, 12.3 and any adopted areas would need to provide a utility and benefit to the wider highway network. Subsequently there has been provisional agreement on adopting as highway the areas indicated in green and red on the plan below. This would include the carriageway and any footways at the green areas and a footpath/footway link at the red parts. Nevertheless in order to be acceptable, HCC as Highway Authority would recommend that a footway is provided on both sides of these roads indicated by the green lines. It is acknowledged that a single footway was indicated as acceptable as part of pre-application discussions with HCC as Highway Authority, however it was also confirmed at that stage this is was unlikely than any of the internal road layout would be adopted as highway. Therefore it is reasonable that an additional footway is provided to improve accessibility and demonstrate a wider benefit to the public.



The plan as shown on the left [above] is indicative and does not constitute an agreed detailed adoption plan. The applicant would need to enter into a Section 38 Agreement with HCC as Highway Authority in relation to the submission and approval of any detailed plans (please see the above highway informative for more information). Furthermore the developer would need to put in place a permanent arrangement for long term maintenance

of any of the roads that are not to be dedicated as highway. At the entrance of each private road, the road name plate would need to indicate that it is a private road to inform purchasers of any potential future maintenance liabilities.

HCC as Highway Authority has not identified any specific emergency vehicle access issues and a 4.8m wide carriageway would be sufficient to provide access for a fire tender. Nevertheless following consideration of the size of the development and the submission of the Fire Safety Strategy for the development, details of the proposal and strategy have been passed to Herts Fire & Rescue for attention and for any comments which they may have. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS, RIH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses.

## 2. Car Parking

The application refers to the provision of 357 car parking spaces within the site (equalling the level as outlined in the TRDC's parking standards), 21 of which are unassigned on-street. HCC as Highway Authority would not have any specific objection to the proposed level and layout of assigned car parking spaces attached to the proposed dwellings (creating a total number of 336 allocated spaces). Nevertheless the Highway Authority would not support the proposed unassigned on-street parking areas (a total of 21 car parking spaces) nor including them in the total level of parking provision. The unassigned spaces would not be able to be permanently provided nor available without interfering with the safe and free flow of other users of the road nor the manoeuvring of a waste collection vehicle through the site (as indicated on drawing number 1908-012 SP11). "Where unassigned spaces are provided on the carriageway, or on-street parking is likely to occur, the carriageway should be a minimum of 5.5m wide" RiH Sec 4, 9.1, which is not demonstrated in the proposed arrangements.

The Highway Authority would not have a significant objection to a level of 336 car parking spaces although there may be the potential for some localised on-street parking. TRDC is the parking and planning authority for the district and therefore ultimately would need to be satisfied with the overall level of allocated parking.

HCC as Highway Authority would recommend the provision of an appropriate level of electric vehicle charging provision (at least passive for every dwelling is provided) to promote development in accordance with LTP4 and HCC's Sustainability Strategy.

## 3. Trip Generation & Distribution

A trip generation and distribution assessment and impact analysis for the proposed use has been included as part of the TA (Sections 5 and 6). The trip generation is based on trip rate information from the TRICS database. The parameters and approach used is considered to be acceptable by HCC as Highway Authority.

Based on this approach, the proposed use is expected to generate 75 two-way vehicle movements in the AM peak and 70 two-way vehicle movements in the PM peak. Following assessment of these details, distribution and the impact analysis, the trip generation and distribution would be considered to be acceptable and not a reason to recommend refusal from a highways perspective.

## 4. Sustainable Travel & Planning Obligations

The application site is located in the north-west corner of Croxley Green. The nearest bus stops to the site are greater than the normally recommended accessibility criteria of 400m (at 450m from the site and more for many of the proposed dwellings). Croxley Railway Station is located approximately 1.6 km (1mile) from the site and therefore within an easy cycling distance and achievable walking distance. Whilst the public transport options are somewhat limited, this would not be considered to be a significant enough reason to

recommend refusal on its own when taking into consideration that the site is linked to a larger existing urban area and is an allocated housing site.

HCC as Highways Authority would recommend that consideration be made to the fact that some parts of the internal access roads act as a shared access for vehicles, cyclists and pedestrians. Therefore appropriate lighting and surfaces would be recommended within the site to reflect this.

A Framework TP has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The travel plan is considered to be generally acceptable for this stage of the application. Nevertheless a full TP would need to be secured via a Section 106 planning obligation. Developer contributions of £6000 are sought via a Section 106 Agreement towards supporting the implementation, processing and monitoring of a full travel plan including any engagement that may be needed. For further information please see the following link <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

OR by emailing  
travelplan@hertfordshire.gov.uk

Following a review of the submitted framework TP, the full TP would need to include the following:

- Refer to current HCC Travel Plan Guidance of March 2020 (the framework TP refers to 2014);
- A secondary contact, provided to HCC once a travel plan co-ordinator (TPC) has been appointed;
- A statement from the developer stating that they are committed to implementing the travel plan;
- The time allocated to the TPC role and frequency on site (average time per month);
- The TPC should work alongside other external partners such as bus and rail companies to increase the travel opportunities of the development;
- On-site information point updated every 6 months as a minimum;
- More walking measures required e.g. inclusion of the promotion of Hertfordshire Health Walks;
- More cycling measures required e.g. cycle training;
- More public transport measures required including up to date bus/train timetables, ticket information, costs at the information point (updated every 6 months as minimum);
- High speed broadband required to allow homeworking, and home delivery information should be provided;
- A minimum of £50 per flat and £100 per house in sustainable travel vouchers.
- HCC have a strong preference of using multi-modal traffic counts for monitoring purposes. Any questionnaires should have an agreed response rate with HCC (a minimum of 50%-60%) and if the response rate is not meet then multi-modal traffic counts would be required annually.
- Monitoring should be annual and all monitoring information should be sent to HCC (travelplans@hertfordshire.gov.uk) from first occupation to 5 years post full occupation
- Travel Plan review should be annual – from first occupation to 5 years post full occupation

This development is situated within TRDC's Community Infrastructure Levy (CIL) area. Therefore contributions towards local transports schemes as outlined in HCC's South-West Herts Growth & Transport Plan would be sought via CIL if appropriate.

## 5. Conclusion

HCC as Highway Authority is recommending that the proposals in their current form be refused due to the insufficient prioritising of access for pedestrians into and out of the site,

which is therefore contrary to the NPPF and LTP4. It would be feasible for an additional footway and footpath link to be provided from the proposed footway on the east side of Little Green Lane into the site without the need for pedestrians to cross the main vehicular access into the site. HCC as Highway Authority would be satisfied with the proposals if sufficient amendments are submitted and approved in accordance with the comments provided within this response.

Nevertheless it is unable to recommend the granting of permission for this application in its current form.

#### 4.1.2.3 Further Response 22.12.2020 [No objection subject to conditions]

##### **Decision**

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

##### 1. Provision of Visibility Splays

*Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan numbers VS02 and VS03. The splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.*

*Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).*

##### 2. Estate Roads

*No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 and/or a Private Management and Maintenance Company has been established).*

*Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).*

##### 3. A: Highway Improvements – Offsite (Design Approval)

*Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as indicated on drawing no. 1908-012 PL06 E have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These works shall include:*

- a. 2m wide footway (or the maximum achievable width) on the whole of the east side of the carriageway along Little Green Lane (from the junction with The Green running north to the main application site);*
- b. Any widening of the carriageway along Little Green Lane required to increase the width of the carriageway to at least 4.8m;*
- c. Any necessary lighting along Little Green Lane;*
- d. Works to create the main vehicular access into the site ('northern' access) / alterations to the existing route Little Green Lane, which would also include the dedication of additional land as highway (pursuant to a Section 38 highways agreement);*



- e. New bellmouth entrance providing access to the 'southern' access to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side;
- f. Any alterations required to the existing entrances into Killingdown Farm including tactile paving and pedestrian dropped kerbs;
- g. Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides.

The kerb line would need to be widened as there is evidence that vehicles oversail the highway verge at this location.

- h. Pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land.
- i. Improvements to public footpath Croxley Green 013 including appropriate surfacing, lighting, signage and any other necessary works.

#### B: Highway Improvements – Offsite (Implementation / Construction)

Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

*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 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).*

#### 4. Provision of Internal Access Roads, Parking & Servicing Areas

Prior to the first occupation of the development hereby permitted the proposed internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan(s) and retained thereafter available for that specific use.

*Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).*

#### 5. Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste);
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

*Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).*

#### 6. Electric Vehicle Charging Provision

*Prior to the first occupation of the development hereby permitted, each residential dwelling shall incorporate an Electric Vehicle ready domestic charging point.*

*Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).*

### **Planning Obligations**

*Developer contributions of £6000 are sought via a Section 106 Agreement towards supporting the implementation, processing and monitoring of a full travel plan including any engagement that may be needed. For further information please see the following link <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing [travelplan@hertfordshire.gov.uk](mailto:travelplan@hertfordshire.gov.uk)*

### **Highway Informatives**

HCC recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

*AN) 278 Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway*

*Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>*

*AN) Estate Road Adoption: The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the website*

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

*AN) The Public Right of Way should 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 should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.*

*If the above conditions 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. For further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works, please see*

*<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx> or [row@hertfordshire.gov.uk](mailto:row@hertfordshire.gov.uk)*

### **Comments / Analysis**

The proposals comprise of the construction of 160 residential dwellings on land at Killingdown Farm, Little Green Lane, Croxley Green. Little Green Lane borders the western and northern boundaries of the site and is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. Public footpath Croxley Green 013 runs adjacent to the eastern and south-eastern boundary of the site. The proposals are on allocated housing site H(10).

A Transport Assessment (TA), Design & Access Statement (DAS) and Framework Travel Plan (TP) have been submitted as part of the application.

#### *1. Access & Highway*

The application site is accessed via Little Green Lane, which has a carriageway width of between 3.8m and 4.5m to the south of the site and narrows to approximately 2.8m wide to the north of the site. The stretch of the lane running adjacent to the north side of the site is an unmade track in poor condition. There are no existing footways along Little Green Lane nor any street lighting.

#### a. Proposed Highway Works

The proposals include widening the carriageway on Little Green Lane to 4.8m in addition to the provision of a 2m wide footway on the east side of the Lane running from Baldwins Lane and then north into the development. There are two proposed new vehicle accesses from Little Green lane, one providing access to a small cul-de-sac south of the farm buildings and another north of the farm buildings providing access to the majority of the housing development, as indicated on drawing numbers 1908-012 PL06E, PL01 and SK1.

A Stage One Road Safety Audit and Designers Response has been submitted as part of the application (following a request from HCC as Highway Authority) for the proposed highways works and access along Little Green Lane. The details submitted also include a swept path-analysis for a

11.5m long refuse vehicle travelling past a parked car on Little Green Lane to the south of the site (drawing no. 1908-012). The details submitted in this respect are considered sufficient and acceptable. HCC as Highway Authority has considered that there is not an identified highway safety reason to require any parking restrictions along Little Green Lane at this stage although any highway works would be subject to further safety audits carried out as part of the formal S278 agreement process.

HCC as Highway Authority considers that the levels of available vehicular to vehicular visibility at the proposed vehicle accesses onto Little Green Lane (as indicated on drawing no. VS03) are acceptable. Following consideration of all the submitted details and extent of highway boundary plan (copy submitted in Appendix H of the TA), the proposed access arrangements along Little Green Lane to the site are acceptable and in accordance with design guidance as laid out in Manual for Streets (MfS) and Roads in Hertfordshire: Highway Design Guide (RIH).

The applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the approval of the design and implementation of the works that would be needed on the highway including:

- a. 2m wide footway (or the maximum achievable width) on the whole of the east side of the carriageway along Little Green Lane (from the junction with The Green running north to the main application site);
- b. Any widening of the carriageway along Little Green Lane required to increase the width of the carriageway to at least 4.8m;
- c. Any necessary lighting along Little Green Lane;
- d. Works to create the main vehicular access into the site ('northern' access) / alterations to the existing route Little Green Lane, which would also include the dedication of additional land as highway (pursuant to a Section 38 highways agreement);
- e. New bellmouth entrance providing access to the 'southern' access to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side;
- f. Any alterations required to the existing entrances into Killingdonn Farm including tactile paving and pedestrian dropped kerbs;
- g. Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides.

The kerb line would be recommended to be widened as there is evidence that vehicles oversail the highway verge at this location.

- h. Pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land.
- i. Improvements to public footpath Croxley Green 013 including appropriate surfacing, lighting, signage and any other necessary works.

#### b. Internal Site Road Layout

An amended site layout arrangement has been submitted as part of a formal amendment to the planning application and shown on submitted drawing number 108-PS-010 rev.E. The general layout of the site and 4.8m wide carriageways are acceptable for vehicular access when taking into account the size and scale of the proposed number of dwellings. A swept path analysis has been submitted as part of the supplemental highways response document dated 22/10/2020 (drawing numbers SP11 and SP12), illustrating that a 11.5m long refuse vehicle would be able to utilise the internal access road layout, turn around and egress to Little Green Lane in forward gear, the arrangements of which are considered to be acceptable by HCC as Highway Authority. Nevertheless the acceptability of this would be dependent on the absence of on-street car parking at any of the required manoeuvrability areas (please also refer to section 2. Parking of this response). The acceptability of any waste collection details would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management.

Visibility splays details have been submitted for the internal junctions within the site (following a request from HCC as Highway Authority). The visibility splays of 2.4m by 25m are shown on drawing number 1908-012 VS02. Although the site layout has been subsequently amended, the levels of visibility would remain at an acceptable level and adequate for a 20mph designed road layout in accordance with MfS.

The proposals include direct pedestrian links from the east and south-east of the site to public footpath Croxley Green 013. The amended site layout 108-PS-010 E also includes a pedestrian link through the proposed "south" cul-de-sac into the site, which HCC as Highway Authority is supportive of to provide a convenient route for pedestrians between the common land to the west of the site and to the public footpath to the south-east of the site. This would be necessary to ensure that pedestrian accessibility and permeability is maximised to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan (LTP4) and NPPF.

The amended site layout does not include a 2m wide footway along the south side of the access road into the site, which was previously requested to be provided. However following consideration of the addition of the route for pedestrians (as referred to above); other additional footways within the site and comments from the applicant as to why an additional footway on the south side of the access road is not feasible, HCC as Highway Authority would no longer object to the proposals from a pedestrian access perspective.

HCC as Highway Authority has not identified any specific emergency vehicle access issues and a 4.8m wide carriageway would be sufficient to provide access for a fire tender. Nevertheless following consideration of the size of the development and the submission of the Fire Safety Strategy for the development, details of the proposal and strategy have been passed to Herts Fire & Rescue for attention and for any comments which they may have. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS, RIH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses.

c. Section 38 Agreement / areas to be dedicated/adopted as highway

There has been discussion as part of the planning application consultation as to which areas are proposed to be dedicated and subsequently adopted as highway pursuant to Section 38 of the Highways Act 1980. "On developments with no through route, only the main access road will be considered for adoption" Roads in Hertfordshire, Section 3, 12.3 and any adopted areas would need to provide a utility and benefit to the wider highway network. There had been discussion on adopting as highway the areas indicated in green and red on the plan below. Nevertheless in order to be acceptable, HCC as Highway Authority also recommended that a footway be provided on both sides of all roads indicated by the green lines, which has not been provided for the reasons as previously discussed.



It is acknowledged that a single footway was indicated as acceptable as part of pre-application discussions with HCC as Highway Authority, however it was also confirmed at that stage that it was unlikely that any of the internal road layout would be adopted as highway. The HA would therefore recommend that further discussions are made following any planning decision to discuss and agree on the extent of areas to be adopted as highway to ensure that "any roads or areas that are to be adopted are of significant public utility" RiH, Sec 3 12.2 and would include agreement as to any necessary 20mph speed limit orders.

The plan as shown above is indicative and does not constitute an agreed detailed adoption plan as the site layout has subsequently changed.

The applicant would ultimately need to enter into a Section 38 Agreement with HCC as Highway Authority to ensure that any roads or areas to be dedicated and adopted as highway have been designed and “constructed in accordance with the approved details and in compliance with the specification of works and materials” (please see the above highway informative for more information). The applicant would also need to be aware that the Highway Authority may request commuted sums for any non-standard nature of areas to be adopted as highway e.g. areas of special surfacing (please refer to RiH, Sec. 3, Chapter 2 for more information).

Furthermore the developer would need to put in place a permanent arrangement for long term maintenance of any of the roads that are not adopted as highway. At the entrance of each private road, the road name plate would need to indicate that it is a private road to inform purchasers of any potential future maintenance liabilities. All private roads would also be required to be “designed and constructed to the same standards that are set out for roads that are to be dedicated as highway” RiH Sec 3., 12.2.

## 2. Car Parking

The application refers to the provision of 357 car parking spaces within the site (equalling the level as outlined in the TRDC’s parking standards), 21 of which are unassigned on-street. HCC as Highway Authority would not have any specific objection to the proposed level and layout of assigned car parking spaces attached to the proposed dwellings (creating a total number of 336 allocated spaces). Nevertheless the Highway Authority would not support the proposed unassigned on-street parking areas (a total of 21 car parking spaces) nor including them in the total level of parking provision. The unassigned spaces would not be able to be permanently provided nor available without interfering with the safe and free flow of other users of the road nor the manoeuvring of a waste collection vehicle through the site (as indicated on drawing number SP11). “Where unassigned spaces are provided on the carriageway, or on-street parking is likely to occur, the carriageway should be a minimum of 5.5m wide” RiH Sec 4, 9.1, which is not demonstrated in the proposed arrangements. Furthermore “parking provision shall not be located within the visibility splays at junctions and accesses. Parking areas should not obstruct forward visibility requirements, turning areas or inhibit the movement of refuse vehicles, buses or the emergency services” RiH, Sec 4, 9.2. Therefore it would be reasonable for parking restrictions to be provided on any areas required for a refuse vehicle to manoeuvre or turn and within any visibility splay areas (secured via a Permanent Traffic Regulation Order) . TRDC is the parking and planning authority for the district and therefore ultimately would need to be satisfied with the overall level of allocated parking.

HCC as Highway Authority would recommend the provision of an appropriate level of electric vehicle charging provision (at least passive for every dwelling is provided) to promote development in accordance with LTP4 and HCC’s Sustainability Strategy.

## 3. Trip Generation & Distribution

A trip generation and distribution assessment and impact analysis for the proposed use has been included as part of the TA (Sections 5 and 6). The trip generation is based on trip rate information from the TRICS database. The parameters and approach used is considered to be acceptable by HCC as Highway Authority. Based on this approach, the proposed use is expected to generate 75 two-way vehicle movements in the AM peak and 70 two-way vehicle movements in the PM peak. Following assessment of these details, distribution and the impact analysis, the trip generation and distribution would be considered to be acceptable and not a reason to recommend refusal from a highways perspective.

## 4. Sustainable Travel & Planning Obligations

The application site is located in the north-west corner of Croxley Green. The nearest bus stops to the site are greater than the normally recommended accessibility criteria of 400m (at 450m from the site and more for many of the proposed dwellings). Croxley Railways Station is located approximately 1.6 km (1 mile) from the site and therefore within an easy cycling distance and achievable walking distance. Whilst the public transport options are somewhat limited, this would not be considered to be a significant enough reason to recommend refusal on its own when taking into consideration that the site is linked to a larger existing urban area and is an allocated housing site.

A Framework TP has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The travel plan is considered to be generally acceptable for this stage of the application.

Nevertheless a full TP would need to be secured via a Section 106 planning obligation. Developer contributions of £6000 are sought via a Section 106 Agreement towards supporting the implementation, processing and monitoring of a full travel plan including any engagement that may be needed. For further information please see the following link <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing [travelplan@hertfordshire.gov.uk](mailto:travelplan@hertfordshire.gov.uk)

Following a review of the submitted framework TP, the full TP would need to include the following:

- Refer to current HCC Travel Plan Guidance of March 2020 (the framework TP refers to 2014);
- A secondary contact, provided to HCC once a travel plan co-ordinator (TPC) has been appointed;
- A statement from the developer stating that they are committed to implementing the travel plan;
- The time allocated to the TPC role and frequency on site (average time per month);
- The TPC should work alongside other external partners such as bus and rail companies to increase the travel opportunities of the development;
- On-site information point updated every 6 months as a minimum;
- More walking measures required e.g. inclusion of the promotion of Hertfordshire Health Walks;
- More cycling measures required e.g. cycle training;
- More public transport measures required including up to date bus/train timetables, ticket information, costs at the information point (updated every 6 months as minimum);
- High speed broadband required to allow homeworking, and home delivery information should be provided;
- A minimum of £50 per flat and £100 per house in sustainable travel vouchers.
- HCC have a strong preference of using multi-modal traffic counts for monitoring purposes. Any questionnaires should have an agreed response rate with HCC (a minimum of 50%-60%) and if the response rate is not meet then multi-modal traffic counts would be required annually.
- Monitoring should be annual and all monitoring information should be sent to HCC ([travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)) from first occupation to 5 years post full occupation
- Travel Plan review should be annual – from first occupation to 5 years post full occupation

This development is situated within TRDC's Community Infrastructure Levy (CIL) area. Therefore contributions towards local transports schemes as outlined in HCC's South-West Herts Growth & Transport Plan would be sought via CIL if appropriate.

## 5. Conclusion

HCC as Highway Authority considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The amended site plan is

considered to be provide a suitable level of pedestrian accessibility when compared to the previous layout. Following the granting of any planning permission, the applicant would need to enter into a Section 278 Agreement with HCC as HA to cover the technical approval of the design, construction and implementation of any highway works in addition to entering into a Section 38 Agreement with HCC as HA in relation to any new roads or footpaths being offered to be dedicated as highway. The detailed areas to be dedicated and subsequently adopted as highway are yet to be confirmed and agreed.

HCC therefore has no objections on highway grounds to the granting of the planning application, subject to the inclusion of the above planning conditions and informatives.

#### 4.1.2.4 Further response 27.04.2021 [No objection subject to conditions]

Officer comment: As noted in the Update (Update 27.05.2021) and Development Description (section 3) above, amended plans have been submitted. No alterations to the access arrangements are proposed, however, as a result of increased hedge retention to the southern cul-de-sac fronting The Green through the rotation of plots 153 and 160 to face onto cul-de-sac, the footpath at this point has been amended to run along the inside of the hedge. The Highway Authority were therefore requested to review the amended plans. They confirmed that they had no objections subject to conditions and provided the following comments:

I have reviewed the amended plans (April 2021) and would not have any significant additional comments to those provided by Hertfordshire County Council as Highway Authority on 15/12/2020.

The updated swept path and visibility splay plans are considered to be acceptable. The drawing numbers as referenced previously within the recommended highway planning conditions would need to be updated accordingly to reflect the updated revisions.

#### **Adjusted footway / footpath behind hedge line**

HCC as Highway Authority would not have an objection to the adjusted set-back footpath fronting the proposed southern cul-de-sac. The existing hedge line may need to be partly cut back to ensure the necessary visibility splay at this junction is provided and retained (as indicated by the dark blue line on the plan below, drawing no. VS03 rev A).



Furthermore the setback stretch of footway would need to be dedicated and subsequently adopted as highway (pursuant to Section 38 of the Highways Act) to provide an adopted highway pedestrian link between the proposed footway directly to the north and south that



is to be constructed within the existing highway land (pursuant to Section 278 of the Highways Act).

### **Internal road layout - dedication and adoption as highway**

I would draw attention to the following comments copied from the Highway Authority's response dated 15/12/2020 in relation to the areas proposed to be dedicated / adopted as highway within the site:

#### *1.c. Section 38 Agreement / areas to be dedicated/adopted as highway*

*There has been discussion as part of the planning application consultation as to which areas are proposed to be dedicated and subsequently adopted as highway pursuant to Section 38 of the Highways Act 1980. "On developments with no through route, only the main access road will be considered for adoption" Roads in Hertfordshire, Section 3, 12.3 and any adopted areas would need to provide a utility and benefit to the wider highway network. There had been discussion on adopting as highway the areas indicated in green and red on the plan below. Nevertheless in order to be acceptable, HCC as Highway Authority also recommended that a footway be provided on both sides of all roads indicated by the green lines, which has not been provided for the reasons as previously discussed.*



*It is acknowledged that a single footway was indicated as acceptable as part of pre-application discussions with HCC as Highway Authority, however it was also confirmed at that stage that it was unlikely that any of the internal road layout would be adopted as highway. The HA would therefore recommend that further discussions are made following any planning decision to discuss and agree on the extent of areas to be adopted as highway to ensure that "any roads or areas that are to be adopted are of significant public utility" RiH, Sec 3 12.2 and would include agreement as to any necessary 20mph speed limit orders. The plan as shown above is indicative and does not constitute an agreed detailed adoption plan as the site layout has subsequently changed.*

*The applicant would ultimately need to enter into a Section 38 Agreement with HCC as Highway Authority to ensure that any roads or areas to be dedicated and adopted as highway have been designed and "constructed in accordance with the approved details and in compliance with the specification of works and materials" (please see the above highway informative for more information). The applicant would also need to be aware that the Highway Authority may request commuted sums for any non-standard nature of areas to be adopted as highway e.g. areas of special surfacing (please refer to RiH, Sec. 3, Chapter 2 for more information).*

*Furthermore the developer would need to put in place a permanent arrangement for long term maintenance of any of the roads that are not adopted as highway. At the entrance of each private road, the road name plate would need to indicate that it is a private road to inform purchasers of any potential future maintenance liabilities. All private roads would*

also be required to be “designed and constructed to the same standards that are set out for roads that are to be dedicated as highway” RiH Sec 3., 12.2.

The updated *Design and Access Statement* makes reference to the plan below and that all the areas brown are to be offered to be dedicated as highway, which has not been agreed at this stage. I do not consider that this would be a significant planning consideration at this stage as the DAS does state that all internal roads would be built to adoptable standards, which the Highway Authority would be supportive of. This would need to include all footpaths and footpath links to ensure that they are also built to adoptable standards.



#### 4.1.3 HCC Fire Protection: [Advisory comments]

We have examined the drawings and details for the above proposed housing development received from HCC as Highway Authority on 13<sup>th</sup> November 2020 and have the following comments to make:-

##### **Vehicle Access.**

The road widths both within the estate and along Little Green Lane from The Green south direction appear to be adequate and in accordance with table 13.1 of Approved document B volume 1. Access appears to be provided to within 45 metres of the furthest point in each dwelling.

However the Northern approach to this estate along Little Green Lane would be problematic as an alternative approach, if the lane were obstructed by badly parked vehicles from The Green southern approach. Consequently we feel that consideration should be given to either widening of the section of Little Green Lane between The Green and the new entrance to the estate or parking control measures.

##### **Water Supplies. For firefighting.**

The following provision for suitable hydrants should be made;

- . The distance between the water supply and the fire appliance should be kept to a minimum.
- . Hydrants should be provided within 90m of an entry point to any building.
- . Not more than 90m apart for residential developments.

- . Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances; and
  - . Not less than 6m from the building or risk so that they remain usable during a fire (generally a water supply capable of providing a minimum of 1500 litres per minute at all times should be provided).
- All hydrants should have signage in accordance with BS 3251.

#### 4.1.4 Herts Ecology: [No objection subject to conditions]

Thank you for consulting Hertfordshire Ecology on the above. I am pleased to see the application is supported by several credible ecological documents prepared by MD Ecology:

- *Ecological Impact Assessment (EIA), dated August 2020 (this document incorporates methods and results from the Preliminary Ecological Appraisal and separate bat, reptile, Great crested newt, and breeding bird surveys);*
- *Ecological Impact Assessment – Confidential Annex: Badgers, dated August 2020;*
- *Biodiversity Net Gain Assessment, dated August 2020*
- *Biodiversity Metric 2.0 Calculation Tool Beta Test (Assessment date 24 July 2020, updated August 2020)*

And also of relevance:

- *Landscape Management and Maintenance Plan (Guarda, 25/08/2020);*
- *Orchard and Additional Trees Drawing number: 7539-D-ECO (Hayden's Arboricultural Consultants, 08/07/2020);*
- *Lighting Impact Assessment (Designs for Lighting, dated July 2020)*

The site is described as agricultural land forming part of Killingdown Farm and comprises, grassland fields (generally with improved grassland but one field is likely species-poor semi-improved grassland), dense scrub, ruderal vegetation, a small orchard, and with hedgerows and trees to its boundaries. The majority of farm buildings and associated hardstanding are outside the red line boundary; however, some timber sheds and open fronted barns within the site boundary are proposed for demolition.

Two site visits were undertaken in June 2019, with specific follow-up surveys for Great crested newts in May 2020; reptiles in September and October 2019 and May 2020; breeding birds between May and July 2020; bats in July and September 2019, and May, June and July 2020; and badgers in September and October 2019. The reports provide adequate assessment of the impact of the proposals and are based on appropriate survey methods and effort.

I am pleased to see consideration has been given to the retention and enhancement of boundary hedgerows; retention of trees where possible; creation of an attenuation feature and associated landscaping applicable for biodiversity enhancements (such as wet and dry wildflower grassland, scrub, orchard and hedgerows); and use of native species planting in the landscaping scheme. Green spaces and linking green ribbons are proposed within the residential area, and three of the open spaces within the residential development will have orchards as replacement for the loss of the existing orchard. Several integrated bat and bird boxes/features will be incorporated within the new buildings, which is welcomed.

The development will result in the loss of 6-7ha of grassland, a young orchard covering 0.17ha, and some hedgerow habitats. However sufficient offsetting has been proposed (mainly for species-rich grassland, replacement orchard planting, and planting new hedgerows) to compensate for this loss and achieve measurable biodiversity net gain. This is demonstrated in the submitted Biodiversity Metric 2.0 spreadsheet and I have no reason to doubt this uplift can be delivered.

The EIA report suggests reasonable mitigation to ensure that retention or replacement of important habitats is promoted, that legally protected species are not harmed, and that biodiversity net gain from the development is achieved. Specific objectives to be secured are:

- Implementation of the Landscape Management and Maintenance Plan;
- Production and implementation of a CEMP (for biodiversity), as referred to in section 6.13.2 of the EIA report;
- Management measures listed in section 6.3.5 of the EIA report should be followed to reduce the impact from the development on nearby Croxley Green Local Wildlife Site, which without mitigation has been assessed as 'significant'.

Consequently, the mitigation measures (in section 6 of the EIA report, and succinctly summarised in 6.14) should be secured by condition, should consent be granted.

The badger report suggests reasonable mitigation to ensure that badgers are not harmed. These proposals are reasonable and should be followed in their entirety (as referred to in section 6 in the badger report) by condition.

Lighting scheme:

Reference in the lighting report is made to the impact of artificial lighting on bats. Low level lighting with controlled light spill and glare is proposed for the residential area. I am pleased to see the main area proposed for biodiversity offsetting, north of Little Green Lane, will remain unlit.

4.1.5 Herts Property Services: No response received.

4.1.6 Local Plans: [Advisory comments]

The proposal is for the redevelopment of Killingdown Farm to provide up to 160 dwellings. The proposal site is also a housing allocation in the Site Allocations LDD Policy SA1 with the site reference R(d). Policy SA1 states that allocated housing sites will be safeguarded for housing development, which the proposal complies with. Policy SA1 also states that sites should be developed at an overall capacity which accords generally with the dwelling capacity for the site. Policy SA1 states an indicative capacity of 140-180 dwellings for the application site. The application proposes 160 dwellings, meeting the indicative capacity in Policy SA1.

The proposal should comply with policies relating to housing mix, density and affordability. Policy CP4 of the Core Strategy states that the Council seeks 45% of all new housing to be affordable housing and therefore the proposal is expected to meet this target. The applicant has met the 45% affordable housing requirement by allocating 72 affordable units, therefore complying with Policy CP4.

Policy CP3 of the Core Strategy states that the Council will require housing proposals to take into account the District's 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 January 2016 and has identified the indicative targets for market sector dwelling size within the Three Rivers District, as follows:

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

The proposed housing mix for the development is 17 1-bedroom dwellings (11%), 52 2-bedroom dwellings (33%), 65 3-bedroom dwellings (41%) and 26 4+ bedroom dwellings (16%). This signifies a significant overprovision of 1 and 2 bedroom dwellings and shortfall

in the provision of 4+ bedroom dwellings. Therefore, the proposal is not consistent with Policy CP3 in providing the necessary size of dwellings identified in the SHMA (2016).

However, it is recognised that the proportions of housing mix may be adjusted for specific schemes to take account of market information, housing needs and preferences and specific site factors. If adjustment to the proportions of the housing mix set out in the SHMA (2016) is sought, sufficient information should be provided on how relevant factors have contributed to the mix of housing proposed.

4.1.7 Affinity Water: [No response received]

4.1.8 National Grid: [No objection, informative requested]

National Grid has identified that it has apparatus in the vicinity which may be affected by the activities specified. Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works.

4.1.9 Landscape Officer: [No objection]

4.1.9.1 Initial Response 25.11.2020 [Objection]

The application is accompanied by an Arboricultural report, with an Arboricultural Impact Assessment, Method Statement and Tree protection plan, following the BS5837.

The application mentioned trees in Conservation Area, however unfortunately there are not any mentioned to trees covered under TPO. And some of the proposed trees to be removed are covered by TPO 031.

Some of the mentioned trees are in a Conservation Area called Croxley Green CA, those trees are A001, A002, T002, A003, T0024, G003, although some of them are not clear which tree specimen will be removed. In general, those trees are unremarkable specimens, and do not have the requirement to be a TPO trees, and therefore I do not have objections for those one.

However, I have concern in trees covered under a TPO to be removed, which are:

T018-An Ash tree-Related with T1 of TPO 031  
A003-3 elm trees and 3 holly trees- related with G6 of TPO 031  
A004-An elm tree- Related with G6 of TPO 031  
H004- 6 elm trees- Related with G2 of TPO 031

TPO protected trees have not been taken in consideration in this proposed development, and reports.

I have also recommend submit a tree works application for the records.

Although, I do not have objection in the trees located in the Conservation Area, however I have objection in the proposed removal of TPOs trees. And the loss of value which has not been taking in consideration.

4.1.9.2 Further Response 08.12.2020 [No objection]

The application is accompanied by an Arboricultural report, with an Arboricultural Impact Assessment, Method Statement and Tree protection plan, following the BS5837.

There is a tree related with TPO 031 (which is not updated) that will be remove, however the tree is in bad conditions, therefore the removal of this tree is reasonable.

In light of the above, I do not wish to raise any objections to the proposal.

4.1.10 Thames Water: [No objection]

Waste Comments

Thames Water would advise that with regard to FOUL Water sewerage network infrastructure capacity, we would have any objection to the above planning application, based on the information provided.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority (LLFA). Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Thames Water recognises that this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water recognises that this catchment is subject to high infiltration flows during certain groundwater conditions. The development should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Water Comments

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at a particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <http://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

With regard to water supply, this comes within the area covered by the Affinity Water Company.

4.1.11 Environmental Health: No response received.

4.1.12 Environmental Protection: [No objection]

Advised that no objections.

4.1.13 Heritage Officer: [Objection]

The application is for the demolition of existing buildings for residential development comprising two-storey houses and three-storey blocks of flats (160 dwellings in total), together with car parking, landscaping, and other associated works.

This application follows pre-application advice on the redevelopment of Killingdown Farm (site ref. H(10)) to provide up to 180 dwellings (19/2307/PREAPP). The concerns raised below mirror those raised at pre-application stage.

Part of the site is located within the Croxley Green Conservation Area. In the centre of the U-shaped site, but outside the red line boundary, is the Grade II listed Killingdown Farmhouse (list entry no: 1100844). To the north-west of the site are a row of Grade II listed cottages at nos.1-3 Little Green (list entry no: 1173675) and beyond these three locally listed buildings; Waterdell House, Little Waterdell House and Coachman's Cottage. To the west of the site are the Grade II listed Croxley House and Well House (list entry nos: 1348223 and 1296183).

The site is allocated for housing development under Policy PRO1.

Despite its allocation, in my view the redevelopment of the site to provide 160 dwellings is fundamentally harmful to the significance of the Croxley Green Conservation Area, Grade II listed Killingdown Farmhouse, and Grade II listed nos.1-3 Little Green. This harm is considered to be 'less than substantial' as per paragraph 196 of the NPPF. This accords with the findings of the applicant's Heritage Statement which also identifies less than substantial harm to these three heritage assets.

The site in its current form contributes positively to the setting of all three heritage assets and contributes in part to the character and appearance of the Conservation Area as an element of the open, green space from which it derives significance. Attributes of the site contribute to the significance of the assets or allow an appreciation of their significance and these attributes will be lost or detracted from by the proposed development.

The loss of the agrarian, undeveloped landscape of the site undermines the open, verdant appearance of the Conservation Area and detracts from its character and its setting. The setting of the listed farmhouse is detrimentally impacted through the loss of open fields which make a positive contribution to its significance and the appreciation of its significance as a once isolated, rural farmstead on the edge of the Green. Similarly, the open fields contribute to the setting of the cottages at nos.1-3 Little Green and their loss is detrimental to the setting of the cottages.

Mitigation through design and landscaping have not diminished the harm caused to the heritage assets, and additional potential mitigation measures suggested at pre-application stage appear not to have been implemented. Efforts have been made to preserve the country lane character of Little Green Lane to the north of the site which is an important aspect of the setting of the Conservation Area, farmhouse and the Little Green Cottages, providing an appreciation of their once rural surroundings. However, the presence of a housing development alongside the lane will inevitably diminish its rural character.

Despite pre-application advice recommending the reconsideration of the proposed houses at the western side of the site, within the Conservation Area and overlooking the Green and Croxley House (Grade II), these have been retained within the scheme. There was an opportunity to better preserve the open landscape of this part of the Conservation Area and the settings of the listed buildings. These proposed dwellings undermine the characteristics of the Conservation Area and the settings of the farmhouse and Little Green Cottages. It was also recommended that the house to the rear of the cottages was reconsidered as it is particularly close to their boundaries. This undermines their isolated position surrounded by a largely undeveloped landscape.

The proposed road junction in front of the listed farmhouse further undermines its setting. Surrounded by a housing development and overlooking a road junction results in a harmful

'suburban' context for the historic farmstead. Lighting, signage and traffic management measures will further erode the setting of the farmhouse.

There is a strong objection to the proposal. It is considered to cause less than substantial harm to the significance of Croxley Green Conservation Area, the Grade II listed Killingdown Farmhouse and the Grade II listed cottages at nos.1-3 Little Green. Paragraph 196 of the NPPF is relevant. Regard should also be given to paragraph 193 which affords great weight to the conservation of heritage assets, and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.1.14 HCC Footpath Section: No response received. HCC as Highway Authority have confirmed that consideration of the adjacent public right of way is included in their comments and that they raise no objections to the proposal to connect the development to the existing public right of way. The public right of way should however be kept clear at all points throughout the development.

4.1.15 HCC Waste & Minerals: [No objection subject to condition]

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

### **Minerals**

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. In addition the site falls entirely within the sand and gravel Mineral Safeguarding Area within the Proposed Submission Minerals Local Plan, January 2019. It should be noted that British Geological Survey (BGS) data also identifies 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. 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.

### **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.

The Ministry of Housing, Communities and Local Government (MHCLG) sets out in the *National Planning Policy for Waste (October 2014)* 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.

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 arisings during demolition and construction so that 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 Borough Council.

#### 4.1.16 Herts Constabulary: [No objection, advisory comments]

I have reviewed this from a crime prevention perspective, I would ask that not only the affordable homes but the entire site is built to the police minimum security standard Secured by Design. I have listed below the majority of physical requirements needed to achieve this.

#### **Physical Security (SBD)**

**Layout / Boundary:**

The site has good surveillance, Gardens will require 1.8m close board fencing.

**Communal door sets for flats:**

Certificated to BS PAS 24: 2016, or LPS.1175

**Access Control to flats:**

Audio Visual. Tradespersons release buttons are not permitted under SBD requirements.

**Postal delivery for communal dwellings (flats):**

Communal post boxes within the communal entrances or through front doors with post office being given access fob.

**Individual front entrance doors for houses and flats**

Certificated to BS PAS 24:2016

**Windows: houses and flats:**

Ground floor windows and those easily accessible certificated to BS PAS 24:2016 or LPS 1175 French doors for balconies:

**Dwelling security lighting houses and flats:**

Communal entrance hall, lobby, landings, corridors and stairwells, and all entrance/exit points. (Dusk to dawn lighting).

**Bin stores & Utility store**

Secure LPS1175 SR 2 door with fob.

**Car Parking:**

Car parking is situated at the front of the houses and flats (which is advised by SBD),

**Compartmentalisation of Developments incorporating multiple flats.**

Larger developments can suffer adversely from anti-social behaviour due to unrestricted access to all floors to curtail this either of the following is advised:

- Controlled lift access, Fire egress stairwells should also be controlled on each floor, from the stairwell into the communal corridors.
- Dedicated door sets on each landing preventing unauthorised access to the corridor from the stairwell and lift

Secured by Design recommends no more than 25 flats should be accessed via either of the access control methods above.

4.1.17 TRDC Property: No response received.

4.1.18 TRDC Housing: [No objection, advisory comments]

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.

The proposed housing mix is policy compliant and it is encouraging to see that you are proposing a good mix of family sized accommodation as previously discussed. We would support this application as it will provide much needed affordable housing for the district.

In the first instance social rented housing should be provided, however if this is not viable and Affordable rent is agreed then a lower percentage would be negotiated with a maximum capped at local housing allowance rates.

#### 4.1.19 TRDC Leisure Officer: [No objection, advisory comments]

##### Officers Comments:

- Recommendation for a development of this size is to include leisure facilities or features in the plans for all ages and abilities. These could include landscaped relaxation areas, picnic areas, play areas, trim trail or any other feature that enhances the physical and mental health and wellbeing of the residents.
- The design and materials used should reflect the environment in which they are being constructed. For example, a more urban area would benefit from metal equipment or a mix of wood and metal, whereas a more rural environment would benefit from wooden equipment.
- The use of softwood in any designs is unacceptable – only hardwood would be considered.
- It is expected that the developer proactively speaks to the Design and Crime Officers at Hertfordshire Constabulary to ensure the design considers any issues relating to anti-social behaviour.
- Areas for free play space should also be included within play area designs – this can be designed as an area within the play space, free from equipment, in which children can create their own playful experiences.
- There should be an appropriate mix of equipment in play areas that includes swinging, sliding, rotating, bouncing, climbing and opportunities for play co-operation, developmental, inclusive, sensory, natural imaginative and creative play.
- Tall play equipment should not be included within the immediate proximity of property boundaries – these should be located furthest away.
- Challenging play equipment, which caters for all ages and abilities should be considered and the inclusion of changing land levels is encouraged.
- The Council also expects there to be consideration given to those with a disability. As a minimum, this would include pathways linking equipment, sensory play experiences and inclusive play equipment e.g. basket swing, dish/platform roundabout, double width slide etc. These should be considered to be placed nearest the entrance points and with clear access.
- All play equipment must be fitted with anti-tamper locking nuts.
- Operation signage must be included, with wording to be agreed by the Council for all leisure facilities.
- Any Safety surfacing must be tested on concrete and certification provided. The Council would consider Lawn Grating Mats or Bonded Rubber Mulch.
- The preference for pedestrian gates are: <http://www.easy-gate.co.uk/child-safety-gates-design.html> or equivalent.
- All equipment must comply with RPI guidelines and guarantee certification will be required, including post installation inspections.
- Provision of sustainable active travel to support an active lifestyle, such as being bike friendly.
- Where leisure provision is made by the developers, design advice must be sought from Three Rivers Leisure team which must include DDA compliant access, details of installation, quality details of all materials used, adherence to Registered Play Inspection (RPI) recommendations such as gates and fences etc. and RPI inspection of installed pieces of equipment.
- Please consider vehicle access for maintenance of any leisure and recreational areas.
- A full Risk assessment of any leisure equipment should be considered.
- Provision for the on-going maintenance of any leisure facilities should be detailed, particularly if the developer plans to formally hand over the leisure facility to Three Rivers District Council. This must include DDA compliancy certification, details of installation, quality details of all materials used with the relevant certification, detailed maintenance

guides for each piece of equipment, RPI inspection of installed pieces of equipment, adherence to RPI recommendations such as gates and fences etc.

- Officers would recommend that guidance on encouraging increased physical activity is sought and adhered to, such as Sport England guidance, Public Health Guidance, Playing Pitch Strategies etc.

- Officers would recommend that guidance on leisure facility planning (eg: Play England or Sport England) is sought from the relevant bodies and adhered to.

These comments are given to help the development achieve the aims of Three Rivers District Council's Local and Strategic plans and National Policy Framework sections detailed below:

- Achieving Sustainable Development
- Promoting Healthy Communities
- Health and Wellbeing

Officers would advise the developer that full outdoor leisure facilities must be appropriate to the development size, covering a range of activities, ages and abilities.

Moving towards a more sustainable environment and one which encourages wildlife and bio-diversity is a key aspect to the development of amenity and open spaces. The impact that green areas have on the mental and physical health and wellbeing is widely reported as is the benefits that they have on local wildlife and ecosystems.

Officers are particularly supportive of any proposals to provide landscaped areas, habitats, areas for biodiversity, hedgehog holes and the creation of hibernaculums within the site. Opportunities for educational aspects should also be considered, for example magnifying posts, rubbings posts and an encouragement of the understanding of nature and biodiversity through appropriate interpretation boards. Officers would be keen to work with the developer on this in order to provide an education element for the local community around these features and their importance.

In addition, the developer may consider Incorporating design features for species which are suffering/declining. For example bat bricks, swift boxes and bee blocks all of which can be incorporated during construction.

If there are any queries about leisure facilities design in relation to the proposals, please feel free to contact Three Rivers Landscape and Leisure Development Manager.

#### 4.1.20 HCC Lead Local Flood Authority: [No objection subject to conditions]

##### 4.1.20.1 Initial Response (26.11.2020): [Insufficient information provided]

We understand this application seeks full planning permission, we have assessed the Flood Risk Assessment (carried out by PEP Civil & Structures Ltd, ref: 481819-PEP-00- XX-RP-C-6200, rev: P02, dated: 19.06.2020) and other information submitted in support of this application. However, the information provided to date does not currently provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques the following information is required as part of the flood risk assessment/ surface water drainage strategy:

1. Clarification of feasible discharge mechanism.
2. Confirmation of drainage strategy.

To address the above points, please see the below comments:

1. We understand following review of the SuDS Statement submitted that the proposed drainage scheme is based on infiltration via deep borehole soakaways located in a dry pond with a detention basin and filter drain. The proposed system consists of a pipe as a primary inlet directly into a 0.3m deep lined detention basin in the dry pond before discharging via a filter strip into the boreholes.

We have concerns regarding the protection of the boreholes within the proposed dry pond with regards to the issue of sediment and silt impacting the functionality of the boreholes. However following review of further correspondence to the LLFA from PEP Civil Structures Ltd (ref: 481819/APR/ar/PPEResponse, dated: 15.10.2020), we understand that the proposed deep borehole soakaway chambers are to be sealed from the lined pond feature above. It is stated that a single lateral from the infiltration will serve the isolated deep borehole soakaway field below and that as a result, all runoff entering the feature must first pass through upstream treatment mechanisms prior to discharging via infiltration. Following this explanation, we would like to see further clarification of how these features will be sealed and connected including cross-sections of the proposed pond with the borehole soakaway field, filter drain and detention basin in order to further our understanding of the proposed scheme.

In addition, we would be looking to see falling head tests completed in the specific locations and depths of the proposed deep bore infiltration features. We understand from the response to the LLFA that falling head testing within the proposed location of the borehole field is currently being carried out.

2. Following any changes made to the drainage strategy in light of the above comments, the applicant will need to update the drainage strategy including all drainage calculations and modelling. If additional storage is needed, we would prefer the provision of above ground storage features as prioritising above ground methods and providing source control measures can ensure that surface water run-off can be treated in a sustainable manner and reduce the requirement for maintenance of underground features.

We would expect the submitted drainage strategy to include all calculations and modelling to be updated accordingly. Any updates should include:

- Detailed post development calculations/ modelling in relation to surface water to be carried out for all rainfall events up to and including the 1 in 100 year including +40% allowance for climate change
- Detailed modelled outputs of flood extents and flow paths for a range of return periods up to the 1 in 100 year + climate change event and exceedance flow paths for surface water for events greater than the 1 in 100 year + climate change.
- Confirmation on the volume of water needing to be attenuated
- Justification of SuDS selection.
- Details of the final management and treatment train and SuDS features

For further advice on what we expect to be contained within the FRA to support an outline planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage:

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx>

### **Informative to the LPA**

Please note if the LPA decides to grant planning permission we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

4.1.20.2 Further Response (24.02.2021): [No objection subject to conditions]

Following review of the additional information submitted, we are now in position to recommend to the LPA that we have no objection in principle to the scheme and would recommend planning conditions.

We understand from the amended Flood Risk Assessment (carried out by PEP Civil & Structures Ltd, ref: 481819-PEP-00-XX-RP-C-6200, rev: P04, dated: 28.01.2021) submitted that the proposed drainage scheme is based on infiltration via deep borehole soakaways located in a dry pond with filter drain and detention basin with reno mattress along with tanked porous paving located in all residential driveways and car park parking spaces.

We note that falling head tests have been completed at the specific location of the proposed deep borehole soakaways and the results have been provided to support the scheme (carried out by Enzygo, ref: CRM.1027.071.GE.L/002/B, dated: 11.11.2020).

We would recommend the following conditions should planning permission be granted:

### **Condition 1**

The development permitted by this planning permission shall be carried out in accordance with the amended Flood Risk Assessment (carried out by PEP Civil & Structures Ltd, ref: 481819-PEP-00-XX-RP-C-6200, rev: P04, dated: 28.01.2021) submitted and the following mitigation measures:

1. Implementing drainage strategy based on deep borehole soakaway as shown on drawing 481819-PEP-00-XX-SK-C-1830 Rev P06.
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 event.
3. Implementing appropriate SuDS measures to include dry pond, detention basin with reno mattress, filter drain and tanked porous paving.

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

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

### **Condition 2**

Upon installation of the deep borehole soakaways, further infiltration testing should be completed to confirm the infiltration rates and submitted to and approved in writing by the Local Planning Authority in order to confirm installation is adequate and meets the design requirements for the drainage system being installed.

Reason: To reduce the risk of flooding and confirm the infiltration requirements for the drainage system.

### **Condition 3**

No development shall take place until the submission of a surface water management plan for the Construction Phase of the development is submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of surface water flooding and to protect the sensitivity of the deep borehole soakaways to siltation during the construction phase.

### **Condition 4**

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 management and maintenance plan shall include;

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

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site for the lifetime of the development.

#### **Informative to the Applicant**

The applicant should contact the Environment Agency regarding any environmental permits required for the proposed deep borehole soakways within the drainage design.

#### 4.1.21 HCC Historic Environment: [No objection subject to conditions]

##### 4.1.21.1 Holding Response 15.10.2020 [planning application should not be determined until report received/reviewed]

An archaeological trial trench evaluation of the proposed development site is currently underway, in order that the results may enable an informed decision to be made with reference to the impact of this proposal on the historic environment.

As noted in my e-mail to the Planning Authority dated 25th September, it was agreed that the evaluation should be carried out in time for a report on the results to be available prior to the determination of any application (e-mail dated 29/5/20, from RPS – ‘the trial trenching will be undertaken pre-consent with results available in good time before the application goes to committee / goes for delegated decision’).

We have visited the site today to monitor the archaeological work. There are archaeological features present in most of the trenches (mainly pits and postholes containing small quantities of pottery of probable earlier prehistoric date). The development will therefore have an impact upon heritage assets of archaeological interest.

Whilst it is likely that this office will be able to recommend that provision should be made, via appropriate conditions, to mitigate the impact of the development, the evaluation is not yet completed (several trenches remain unopened) and it remains possible that unexpectedly significant archaeology could be revealed. In addition, a report on its results has yet to be prepared and submitted to the Planning Authority, and to this Office, so we are not yet in a position to provide the Planning Authority with detailed recommendations as to the extent and nature of the archaeological mitigation that will be required.

I therefore recommend that the planning application is not determined until this report has been submitted.

##### 4.1.21.2 Full response 04.12.2020 [No objection subject to conditions]

Thank you for sending me a copy of Oxford Archaeology East’s Archaeological Evaluation Report.

It enables me to provide the Planning Authority with detailed recommendations as to the extent and nature of the archaeological mitigation that will be required with regard to the above proposed development.

As notified in my earlier advice (dated 15/10/20), the ongoing trial trench evaluation had at that point identified archaeological features in most of the trenches that had been opened (mainly pits and postholes containing small quantities of pottery of probable earlier prehistoric date). This activity has now been dated to the Late Bronze Age/Early Iron Age. The subsequent completion of the evaluation – the opening of the remainder of the trenches to the south of the farm buildings - has identified a further area of activity, of possible Roman date. Small amounts of pottery were recovered and all the sherds, bar one (a single sherd of samian ware), are locally made utilitarian coarse ware jars and dishes dating from between the 2nd and 4th century AD. These ditches and pits are potentially part of wider settlement activity in the vicinity of these trenches.

The evaluation at Killingdown Farm has therefore provided evidence for Late Bronze Age/Early Iron Age and Romano-British activity on the site. Moreover, the features containing Late Bronze Age/Early Iron Age pottery are the first identified in the area to be dated to the later prehistoric period, and those to the south of the farm are the first confirmed evidence of Romano-British activity in the vicinity.

The development will therefore have an impact upon heritage assets of archaeological interest. However, while archaeological remains (heritage assets) are certainly present, the results suggest that they are unlikely to be of such high significance (i.e. of sufficient importance to meet NPPF para. 194 (footnote 63)) and density to impact on the viability of development.

I therefore recommend that the following provisions be made, should you be minded to grant consent:

1. The further, targeted, archaeological evaluation via trial trenching, of the proposed development area, prior to any development taking place. This office is happy to discuss the nature and scope of this evaluation with the applicant or their archaeological agents;

2. such appropriate mitigation measures indicated as necessary by the evaluation. These may include:

a) the preservation of any archaeological remains *in situ*, if warranted, by amendment(s) to the design of the development if this is feasible;

b) the appropriate open area archaeological excavation of any remains before any development commences on the site;

c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);

3. the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results

4. such other provisions as may be necessary to protect the archaeological interest of the site.

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



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

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

- 1. The programme and methodology of site investigation and recording*
- 2. The programme and methodology of site investigation and recording as suggested by the evaluation*
- 3. The programme for post investigation assessment*
- 4. Provision to be made for analysis of the site investigation and recording*
- 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation*
- 6. Provision to be made for archive deposition of the analysis and records of the site investigation*
- 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.*

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

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

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

Please do not hesitate to contact me should you require any further information or clarification.

#### 4.1.21.3 Full response 19.01.2021 [No objection subject to conditions]

We previously responded to your e-mail dated 24th November 2020, in which you asked for further on the above application, further to the submission by the applicant of the report on the predetermination trial trench evaluation of the site.

I therefore re-iterate the advice provided on 4th December 2020 regarding the above application, with the additional recommendation that further archaeological evaluation via trial trenching of the site should include the area north of Little Green Lane where it appears flood attenuation measures will have an impact, and which has not been evaluated.

As notified in my earlier advice (dated 15/10/20), the ongoing trial trench evaluation had at that point identified archaeological features in most of the trenches that had been opened (mainly pits and postholes containing small quantities of pottery of probable earlier prehistoric date). This activity has now been dated to the Late Bronze Age/Early Iron Age. The subsequent completion of the evaluation – the opening of the remainder of the trenches to the south of the farm buildings - has identified a further area of activity, of possible Roman date. Small amounts of pottery were recovered and all the sherds, bar one (a single sherd of samian ware), are locally made utilitarian coarse ware jars and dishes dating from

between the 2nd and 4th century AD. These ditches and pits are potentially part of wider settlement activity in the vicinity of these trenches.

The evaluation at Killingdown Farm has therefore provided evidence for Late Bronze Age/Early Iron Age and Romano-British activity on the site. Moreover, the features containing Late Bronze Age/Early Iron Age pottery are the first identified in the area to be dated to the later prehistoric period, and those to the south of the farm are the first confirmed evidence of Romano-British activity in the vicinity.

*The development will therefore have an impact upon heritage assets of archaeological interest. However, while archaeological remains (heritage assets) are certainly present, the results suggest that they are unlikely to be of such high significance (i.e. of sufficient importance to meet NPPF para. 194 (footnote 63)) and density to impact on the viability of development.*

*I therefore recommend that the following provisions be made, should you be minded to grant consent:*

*1. The further, targeted, archaeological evaluation via trial trenching, of the proposed development area, including the proposed flood attenuation area, prior to any development taking place. This office is happy to discuss the nature and scope of this evaluation with the applicant or their archaeological agents;*

*2. such appropriate mitigation measures indicated as necessary by the evaluation. These may include:*

*a) the preservation of any archaeological remains in situ, if warranted, by amendment(s) to the design of the development if this is feasible;*

*b) the appropriate open area archaeological excavation of any remains before any development commences on the site;*

*c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);*

*3. the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results*

*4. such other provisions as may be necessary to protect the archaeological interest of the site.*

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

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

**A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority**

*in writing. The scheme shall include an assessment of archaeological significance and research questions; and:*

- 1. The programme and methodology of site investigation and recording*
- 2. The programme and methodology of site investigation and recording as suggested by the evaluation*
- 3. The programme for post investigation assessment*
- 4. Provision to be made for analysis of the site investigation and recording*
- 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation*
- 6. Provision to be made for archive deposition of the analysis and records of the site investigation*
- 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.*

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

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

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

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 264 (Initial consultation)

4.2.2 No of responses received (initial consultation): 346 (343 objections and 3 support)

4.2.3 An electronic petition (submitted via change.org) titled "STOP development of Green Belt and Conservation Areas in Croxley Green" has been received with 1,242 signatures. The PDFs submitted include names, location (not full address) and date and the LPA is therefore unable to ratify the signatures.

4.2.4 An electronic petition (submitted via change.org) titled "SAVE LITTLE GREEN LANE: Croxley Green's Conservation Area under threat" was also received with 1,889 signatures (at 1 April 2021). The LPA is unable to ratify the signatures.

4.2.5 Following the receipt of amended plans, a 14 day re-consultation was undertaken and 66 responses (objections) were received.

4.2.6 All of the above responses received are summarised at 4.2.8 below.

4.2.7 Site Notice: Expired 28.10.20                      Press Notice: Expired 23.10.20

4.2.8 Summary of Responses:

4.2.8.1 Objections:

Oversized and ill thought out development; Little Green Lane should be preserved as it is at present; Represents part of Croxley's rural past; Alterations to Little Green Lane will adversely affect its character and the Conservation Area; Damage to The Green; Who will maintain The Green; Keep Croxley 'green'.

Negative impact on the village; Will lose the essence of what makes Croxley special; Village will become a town; Moved to Croxley due to its rural quality and village feel; Village cannot cope with further population increase; Would become suburb of Watford.

Negative impact on Conservation Area; The area should be conserved; Does not have regard for the setting of the Conservation Area; Density excessive and not in keeping with the Conservation Area; Impact on historic and Listed Buildings; Agree with the comments from the Heritage Officer that the proposal would be contrary to the NPPF in its current form in respect of the conservation and protection of heritage assets; Fails to comply with Conservation Area Appraisal or Neighbourhood Plan; Negative impact of additional traffic on Conservation Area; Conservation Area boundary should be shown on the plans; Dilutes character of area; Hills website commits itself to a range of issues including safeguarding the Conservation Area, however, the proposal fails to do this; Loss of hedges that contribute to Conservation Area; The Conservation Area Appraisal references the significance of hedges; Properties on the Green are screened by hedges, whereas the proposals would not be, specifically plots 153 and 155 (visualisations provided); Alternative access possible that would have less impact; Would harm views into and out of the Conservation Area; Prevailing architecture of the area has been overlooked; Loss of historic hedges within the Conservation Area; Link provided to You Tube video regarding concerns in relation to development and hedgerow loss; Application documents not consistent about how much hedge would be lost; Impact of attenuation pond and associated infrastructure on hedgerows; Would hedgerow loss of permanent.

Conservation and Heritage Report submitted on behalf of objector setting out why they consider the proposal to be in breach of planning statute and policies (full report is available online).

Negative impact on Green Belt, particularly the drainage attenuation works to the north; Little Green Lane provides a clear boundary between Croxley and the Green Belt; Disagree with Planning Statement that asserts that the use of the Green Belt to the north of Little Green Lane would not be inappropriate; The development should be accommodated within the site allocation area only; Unclear why the Farm House area is excluded from the application site when it forms part of the allocation; The attenuation pond should be within the allocated site; Attenuation pond should not be fenced as this would destroy openness.

Loss of farmland and countryside; UK is major importer of food so why are we building on farmland.

Contrary to Planning Policies; Contrary to the NPPF; Contrary to Hedgerow Act; Contrary to restrictive covenants; Contrary to village green status; Covenants include requirement for development to be screened; Contrary to statute.

Conveyance maps show there is a strip of land that is still part of The Green; dispute that land is within highway boundary.

Contrary to Site Allocation document; Not in the Local Plan for development; Brownfield sites should be used to accommodate housing development; Development should be phased with the impact of one phase assessed before moving on; Empty factories and offices could be developed; Piecemeal development; Contrary to plans provided at site allocation stage.

Single vehicular access is insufficient; Has assessment of highway been carried out; Highways safety concerns; Increased traffic; Insufficient parking; Insufficient parking for local shops; Cars parking along Little Green Lane (in front of Dugdales) currently restrict access; Road is not wide enough; No access for refuse vehicles or emergency vehicles; Understood site access would be via Grove Crescent; Right hand turn onto Baldwins Lane is dangerous due to lack of visibility; Concern vehicles will try to go the other way along

Little Green Lane where it is a single track; Existing roads would be unable to cope with additional volume; Little Green Lane would become a 'rat run'; Concern that any widening of Little Green Lane and footpath provision would encroach onto the Village Green which is common land; If parking restrictions are required in Little Green Lane what will it mean for existing residents; Zig zag junction appears to present high risk; Should be no right turn out of site; Proximity to school presents real safety concerns; Impact of commuter parking; Significant increase in traffic particularly during morning and evening peaks and school times; Would create conflict between vehicles and pedestrians; Concerns re safety of cyclists; Little Green Lane will be used as cut through to the school; Would be insufficient space for large vehicles to pass parked cars on Little Green Lane; Disagree with HCC Highways conclusions which should be challenged; Dispute highway boundary plan; TRDC should request that access be via Grove Crescent.

Little Green Lane was considered unsuitable for access when the site was allocated; Reference to report from Bidwells which suggests access should be via Grove Crescent; Highways Authority require 5.5m carriageway to serve development of this size; In public interest to clearly detail any works to the highway; Indicative site plan at allocation stage showed access from Grove Crescent; Little Green Lane being used purely for commercial benefit of applicant.

Comprehensive assessment of the highways position (including additional information submitted) has been undertaken by DW Transportation Limited which identifies significant deficiencies in the information submitted and they do not consider the proposal to be acceptable from a highways perspective.

Proposal is not compliant with Policy CP3 in terms of housing mix; No need for houses in this area; There are other more appropriate areas.

Negative impact on neighbouring amenity; Privacy issues; Overlooking of properties in Grove Crescent and Dugdales; Ashlea (5 Little Green Lane) is incorrectly shown as two plots/dwellings; Would intrude 45 degree line in relation to Ashlea; Plot/Dwelling 26 would be very close to Ashlea; Acknowledge there are no first floor windows facing, however, would be overbearing; Noise and disturbance; Impact of use of retained farm on residential amenity; Visualisations submitted to indicate impact on Ashlea (5 Little Green Lane); Amended plans mean that views from existing Juliette balcony would be lost.

Covid pandemic has highlighted the importance and benefit of access to nature and open space; The countryside here is enjoyed by many people, particularly at the moment while we are trying to walk locally, this would destroy it; Area is of massive importance to Croxley Green public's wellbeing and mental health; Negative impact on health, eg. increased pollution; Negative impact on health of school children given proximity to Little Green School; Noise and light pollution; Pandemic has taught us the value of open space; Threat to the environment and enjoyment of countryside.

Concerns regarding flood risk; Inadequate drainage; Viability of the dry pond in the long term is dependent on maintenance; Without proper maintenance this could result in flooding in the area; Construction of this feature will destroy hedgerows.

Site falls within an identified Sand and Gravel Belt; No details of how these deposits could be utilised are included.

Lack of services and facilities (eg, schools and doctors) to serve increased population; Is there capacity in existing schools; No community facilities proposed; Inadequate transport links; Impact on existing water pressure; Any employment benefit would be short term.

Negative impact on wildlife; Significant impact on Local Wildlife Site; Inappropriate to secure Nature Conservation Management via condition; Low level of biodiversity Net Gain and

relies on features within private gardens which cannot be controlled; Also relies on successful establishment and long term success of planting; Destroy pond; Loss of number of trees and hedgerows which act as wildlife corridors; No justification as to why more trees and hedgerows cannot be retained; No detailed plans for long term management and maintenance of landscaping provided; Impact on Harrocks Wood, Dell and Merlins Wood not considered.

TRDC has declared a climate emergency and appointed a dedicated Climate Change Officer; Draft Climate Change Strategy refers to promoting sustainability at pre-application stage, but what does this mean?; Need to influence developer to take a proactive approach and build a more sustainable development now to avoid retrofitting the future.

Insufficient consultation; Would set precedent; Batchworth Lock should have been developed for housing not hotel; Need to assess impact of development underway before we build more.

The revised plans are cosmetic at best and do not overcome significant concerns regarding impact on the Conservation Area or the primary issue of access via Little Green Lane; Whilst additional hedge is retained, there would remain clear views of the development, detrimental to the conservation area; Significant harm can be overcome if access was from Grove Crescent; The independent highways report commissioned by TRDC was not independent; No public benefit, private and financial benefit of applicant only; Insufficient time for members of the Committee to consider the application due to limited time since elections.

#### 4.2.8.2 Support:

Would bring welcomed increase in housing and affordable options; Residents forced to move away due to increasing prices; Allow young families to settle; Vacant land perfect for development; Will bring employment; Will create community; Will be crucially needed rented and shared ownership properties; Surrounded by housing so logical place; Homes are needed.

4.2.8.3 Officer comment: Material planning considerations are addressed in the analysis below. In relation to objections regarding the development being contrary to The Hedgerows Act, certain restrictive covenants and other legislation it is important to note that this application relates solely to an application for Planning Permission. The grant of planning permission does not convey any consent required where expressly required by other legislation and does not override restrictive covenants.

With regards to ownership and as set out in the analysis below, the LPA are satisfied from the information available that the works to Little Green Lane do fall within the extent of the highway boundary.

## 5 Reason for Delay

5.1 Application deferred at Committee meeting on 25.02.2021 to enable the Local Planning Authority to seek the opinion of an independent Highways Consultant in respect of the suitability of the access from Little Green Lane.

## 6 Relevant Planning Policy, Guidance and Legislation

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

In 2019 the NPPF was updated, to be read alongside the online National Planning Practice Guidance. 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.

National Planning Practice Guidance (NPPG).

## 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, CP6, CP8, CP9, CP10, CP11 and CP12.

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

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1 (Site H(10)) is relevant. The comments within the SALDD state;

*“Development would need to relate to the conservation area and listed building. The site lies within Source Protection Zone 2. A preliminary risk assessment to determine whether there is contamination of the site and whether further remediation works will need to be undertaken would be required to support planning applications on the site”.*

## 6.3 Other

The Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018). Relevant policies include: CA1, HO1, HO2, HO3 and PRO1. It is noted that Policy PR01 relates specifically to the Killingdown Farm Development Site and states that;

*“The proposed development should ensure that the scheme on a site previously in the Green Belt preserves or enhances the character or appearance of the Conservation Area and the setting of listed buildings and seeks the retention of natural features”.*

The application site is located within Character Area 9 ‘Cophorne Wood, Parrots Dell and Surrounding Fields and Farms’.

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

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

Croxley Green Conservation Area Appraisal (1996).

Hertfordshire's Local Transport Plan 2018 – 2031 (adopted May 2018).

Three Rivers Housing Delivery Test Action Plan (June 2020)

## **7 Planning Analysis**

### **7.1 EIA Screening**

7.1.1 Three Rivers District Council adopted a Screening Opinion in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 on 17 July 2020.

7.1.2 This was based on a proposal for the construction of 160 dwellings set within open space and a sustainable drainage system, at land at Killingdown Farm.

7.1.3 The Council had regard to the information submitted and concluded that an Environmental Impact Assessment is not required for the development.

### **7.2 Background/Principle of Development**

7.2.1 The NPPF (2019) is clear that planning policies and decisions should support development that makes efficient use of land (paragraph 122) whilst taking into account the need for different types of housing; local market conditions and viability; the availability and capacity of infrastructure; the desirability of maintaining an areas character; and the importance of securing well-designed, attractive and healthy places.

7.2.2 The application site is located in Croxley Green, identified as a Key Centre in the Core Strategy (adopted 2011). The site has been allocated as a housing site by the Site Allocations LDD (adopted November 2014) with an indicative capacity of 140-180 dwellings. It is noted that the site allocation refers to a larger area including the existing farm which does not form part of the current application site, however, the number of dwellings proposed (160) sits within the middle of the indicative capacity and would not preclude the farmhouse from coming forward for development at a later date.

7.2.3 The ecological enhancements and drainage attenuation would be sited to the north of Little Green Lane on land within the Green Belt which is outside of the site allocation. There would be no built development (houses, roads, footpaths, lighting etc.) on this land. Green Belt considerations are discussed below.

7.2.4 Policy SA1 of the Site Allocations LDD (adopted November 2014) advises that allocated housing sites will be safeguarded for housing development and the application complies with the policy in this regard. Policy SA1 also states that proposals should have regard to the phasing strategy of the site; the application site is phased for post 2026. In the event of planning permission being granted, the development would be required to commence within a period of 3 years (following the discharge of all relevant conditions) and therefore delivery of the site may commence prior to 2026, however, the delivery would be broadly in accordance with the phasing strategy and the slight premature delivery is not considered to conflict with the overall aims of Policy SA1.

7.2.5 Policy SA1 further states that allocated sites should be developed at an overall capacity which accords generally with the dwelling capacity for the site. In terms of density of dwellings per hectare, the development would result in a density of approximately 27 dwellings per hectare. As noted above, the site allocation identifies a slightly larger area and has an indicative capacity of 140-180 dwellings which would equate to a density of approximately 24 dwellings per hectare if 180 dwellings were delivered. The proposal would



therefore accord generally with the dwelling capacity for the site and is not considered to represent an overdevelopment of the site.

- 7.2.6 It is also noted that the Housing Delivery Test Action Plan (June 2020) advises that until a new Local Plan is in place and given the high demand for new homes and the constrained housing land supply, it is crucial that new developments coming forward make the most efficient use of land.
- 7.2.7 Policy CP3 of the Core Strategy (adopted 2011) states that the density of development should be considered on its merits, taking into account the need to:
- a) *Respect density levels within existing residential areas particularly within areas of special landscape and/or historic value in the District*
  - b) *Promote higher densities in locations that are highly accessible to public transport, services and facilities.*
- 7.2.8 The Spatial Strategy sets out that the main emphasis for future development is to continue to focus development within the existing urban area through development of previously developed land and appropriate infilling within the urban areas of the Principal Town (Rickmansworth) and Key Centres (including Croxley Green) as these have been identified as the most sustainable locations in the District.
- 7.2.9 In light of the above, there is no in principle objection to the development, however, this is subject to consideration against other material planning considerations as set out below.
- 7.3 Green Belt
- 7.3.1 Paragraph 143 of the NPPF (2019) advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in Very Special Circumstances.
- 7.3.2 Paragraph 144 advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.3.3 Paragraph 146 sets out that certain forms of development are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purpose of including land within it. This includes; '*(b) engineering operations*' and '*(e) material changes in the use of land*'.
- 7.3.4 The five purposes of the Green Belt are set out at paragraph 134 of the NPPF as follows:
- To check the unrestricted sprawl of large built up areas;
  - To prevent neighbouring towns from merging into one another;
  - To assist in safeguarding the countryside from encroachment;
  - To preserve the setting and special character of historic towns;
  - To assist in urban regeneration by encouraging the recycling of derelict land and other urban land.
- 7.3.5 Policy CP11 of the Core Strategy (adopted October 2011) advises that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt and measures to improve environmental quality.
- 7.3.6 The area of land to the north of Little Green Lane does not form part of the site allocation area and is within the Green Belt. The lawful use of the land is for agriculture and therefore the development would include a material change of use. In addition, the drainage

attenuation would be considered an engineering operation. These aspects of the development (material change of use and engineering operation) would not be inappropriate provided that openness is maintained and that the development does not conflict with the purposes of including land within the Green Belt (as set out above).

7.3.7 In relation to openness, the National Planning Practice Guidance (NPPG) advises that assessing the impact of a proposal on the openness of the Green Belt, requires a judgement based on the circumstances of the case. The NPPG notes that by way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These included, but are not limited to:

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

7.3.8 Drainage attenuation would take the form of a depression in the ground acting as a dry pond. The attenuation basin would reflect the natural change in levels with gradients of no more than 1:4. The low 1 metre high timber post fence would not appear out of context in the landscape and would not affect openness. Whilst part of the field would change in use from agricultural to drainage pond to serve the development, other than the low fencing and depression in the ground there would be very limited visual change and no built development. The ecological enhancements proposed include tree planting and enhancement of existing hedgerows and species rich grassland on the shallow slopes of the basin. With the exception of maintenance as and when required, there would be no increased activity associated with the change of use and provision of attenuation pond which would not form part of the publically accessible open space associated with the application.

7.3.9 With regards to the five purposes of including land within the Green Belt as set out at 7.3.4 above, the development would not conflict with these purposes. Whilst the change of use and attenuation pond would result in the loss of part of an existing agricultural field within the countryside, the nature of the development including ecological enhancements is such that it would safeguard the countryside from encroachment.

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

## 7.4 Housing

7.4.1 Policy CP3 sets out that the Council will require housing proposals to take into account the range of housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. The most recent SHMA (South West Hertfordshire Strategic Housing Market Assessment 2016) was published in January 2016 and has identified the indicative targets for market sector dwelling size within the Three Rivers District, as follows:

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

7.4.2 With regards to affordable housing (discussed below), TRDCs Housing Officer has identified the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units.

7.4.3 Policy H01 of the Croxley Green Neighbourhood Plan (Referendum Version, December 2018) sets out that all new housing proposals should consider the needs of at least one of these local priority groups:

- *The ageing population with specially designed accommodation including residential homes.*
- *The starter market for young singles and couples.*
- *Affordable housing for rent for a range of household sizes.*

*All proposed major developments should have at least two dwelling types, of which at least one type should be for families.*

7.4.4 The proposed housing mix is indicated in the table below:

No. Beds	Private		Shared Ownership		Affordable Rent		Total	
1	0	0	5	24%	12	24%	17	11%
2	22	25%	9	43%	21	41%	52	33%
3	41	47%	7	33%	17	33%	65	41%
4+	25	28%	0	0%	1	2%	26	16%
Total	88	100%	21	100%	51	100%	160	100%
Total	Private 55%		S/O 29%		Affordable Rent 71%		100%	
			S/O and Affordable 45%					

7.4.5 The proposed housing mix for the development is 17 1-bedroom dwellings (11%), 52 2-bedroom dwellings (33%), 65 3-bedroom dwellings (41%) and 26 4+ bedroom dwellings (16%). This signifies a slight overprovision of 1 and 2 bedroom dwellings and shortfall in the provision of 4+ bedroom dwellings. However, the policy recognises that the proportions of housing mix may be adjusted for specific schemes to take account of market information, housing needs and preferences and specific site factors. In this case, the private mix is weighed slightly towards larger units with a reduction in both 1 and 2 bedroom units in recognition of the site being at the edge of the settlement where larger units would not be inappropriate. It is also noted that the Housing Officer has raised no objections to the proposed housing mix and has commented that it is encouraging to see a good mix of family sized accommodation.

7.4.6 The proposed mix is therefore considered acceptable in accordance with Policy CP2 of the Core Strategy (adopted October 2011) and Policy H01 of the Croxley Green Neighbourhood Plan (Referendum Version, December 2018).

7.4.7 Policy CP4 of the Core Strategy requires development that would result in a net gain of one or more dwellings to contribute to the provision of affordable housing. The Policy sets out that the Council will seek an overall provision of 45% of all new housing as affordable housing, incorporating a mix of tenures (70% being social rented and 30% being shared ownership). Major developments are expected to provide affordable housing units on-site. The Affordable Housing Supplementary Planning Document (AHSPD) was approved by the Council in June 2011 as a material consideration and supports implementation of Core Strategy Policy CP4.

7.4.8 The application proposes a total of 160 residential units, of which 72 (45%) would be affordable and 88 (55%) would be for private sale. The proposed housing mix is set out in the table above at 7.4.4.

- 7.4.9 The affordable housing has been designed to be tenure blind with affordable dwellings comprising of 1 and 2 bedroom apartments, mixed with 2, 3 and 4 bedroom dwelling houses. The dwelling houses have been arranged in three clusters across the site with the apartments in three blocks to the south-east of the site.
- 7.4.10 No objection is raised with regards to the provision of affordable housing which would accord with Policy CP4 of the Core Strategy (adopted October 2011) and would be secured via condition on any grant of consent.

## 7.5 Layout, Scale and Massing

- 7.5.1 Policy CP3 of the Core Strategy (adopted October 2011) stipulates that the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. In addition, Policy CP12 of the Core Strategy (adopted October 2011) states that development should:

‘...have regard to the local context and conserve or enhance the character, amenities and quality of an area and should make efficient use of land whilst respecting the distinctiveness of the surrounding area.’

- 7.5.2 The NPPF encourages the effective use of land. At the heart of the NPPF is a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment but at the same time balancing social and environmental concerns.
- 7.5.3 In terms of new residential development, Policy DM1 of the Development Management Policies LDD (adopted July 2013) advises that the Council will protect the character and residential amenity of existing areas of housing from forms of new residential development which are inappropriate for the area.
- 7.5.4 Policy CA1 ‘New Development’ of the Croxley Green Neighbourhood Plan (Referendum Version, December 2018) advises that new development should conserve and, wherever possible, enhance the key elements of the character and appearance of the specific Character Area through the careful design and massing of new buildings.

### *Layout:*

- 7.5.5 In terms of layout, the main site would be accessed (by vehicles) from a single access point leading to the main road running west to east within the site and a further primary route running north to south. A series of secondary roads (cul-de-sacs) would be located off the primary roads. Dwelling houses would front the highway with private rear amenity spaces and clearly defined curtilages. Whilst discussed below in more detail, it is noted that amenity space provision would exceed policy requirements. The layout includes appropriate spacing between dwellings, which is increased within the western part of the site to respond to its siting within the Conservation Area. Green spaces and green links are positioned throughout the development and provide open space and play space and also allow for views through the site.
- 7.5.6 The layout of the site and the individual units and their associated curtilages is well considered and is acceptable.

### *Scale & Massing:*

- 7.5.7 In terms of scale and massing, the development will consist of two-storey dwelling houses (detached, semi-detached and terraced) of varying designs, and three-storey flatted blocks, all set within a landscaped setting. A traditional design is proposed which references Arts and Crafts detailing with pitched roofs with hipped, cat-slide features and gables on larger buildings.

7.5.8 The density would be slightly lower to the west (within the Conservation Area) and would increase to the east with the three storey flatted blocks sited towards the eastern boundary closest to Grove Crescent which itself includes a number of three storey flatted blocks.

7.5.9 It is considered that the height and mass of the proposed buildings have been carefully considered taking into account their location and the prevailing character of the area and makes the best use of this allocated housing site in accordance with the National Planning Policy Framework, whilst respecting the surrounding context and the development accords with adopted policies in this regard.

*Materials:*

7.5.10 A materials strategy included within the submitted Design and Access Statement. External materials are to reflect those seen locally, with soft red facing bricks with tonal variations and roofs finished in red or grey roof tiles.

7.5.11 There is no objection to the layout, scale and design which it is considered would be appropriate within this context.

## 7.6 Heritage Assets

7.6.1 The western part of the site falls within the Croxley Green Conservation Area and there are also a number of statutory Listed and Locally Important buildings in the vicinity. Killingdown Farm (the main farmhouse), Croxley House Nursing Home to the west of the site and the cottages at No's 1-3 Little Green Lane to the north-west are Grade II Listed. Waterdell House, Little Waterdell House and Coachman's Cottage to the north are Locally Listed and there are other Locally Listed buildings within the farm complex (outside of the development area).

7.6.2 Paragraphs 193 and 194 of the NPPF state that:

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

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

7.6.3 Paragraph 196 of the NPPF advises that:

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

7.6.4 Policy DM3 of the Development Management Policies LDD advises that the Council will preserve the District's Listed Buildings and that "Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment." Policy DM3 advises that development in Conservation Areas should preserve and enhance the special character of the area and development should not affect the setting of an adjacent Conservation Area or views into or out of.

7.6.5 Policy PRO1 'Killingdown Farm Development Site' of the Croxley Green Neighbourhood Plan (Referendum Version, December 2018) advises that the proposed development

should preserve or enhance the character and appearance of the Conservation Area and the setting of Listed Buildings.

- 7.6.6 The application is accompanied by a Built Heritage Statement. It acknowledges that the introduction of housing within the area of the site located in the Conservation Area, would result in the loss of part of its agricultural character which contributes to its special interest. The significance of the Conservation Area would also be harmed by development within its setting as the site forms part of its rural surroundings and positively contributes to its significance in this respect. However, the Built Heritage Statement considers that the level of harm would not exceed less than substantial and the principle of development within the Conservation Area and its setting has been accepted by the allocation of the site (H10). Additionally, a number of design features have been incorporated into the scheme to reduce the impact on the Conservation Area.
- 7.6.7 The Heritage Statement has been reviewed by the Heritage Officer. Whilst the Heritage Officer acknowledges that the site is allocated for residential development, in their view, the redevelopment of the site would be harmful to the significance of the Croxley Green Conservation Area and Grade II Listed Buildings (Killingdown Farm and No's 1-3 Little Green Lane).
- 7.6.8 The Heritage Officer considers that the loss of the agrarian, undeveloped landscape of the site undermines the open, verdant appearance of the Conservation Area and detracts from its character and its setting. The proposed alterations to Little Green Lane and loss of part of the existing hedge to facilitate access are also considered to be of detrimental impact to the Conservation Area. They consider that the setting of the listed farmhouse is detrimentally impacted through the loss of open fields which make a positive contribution to its significance and the appreciation of its significance as a once isolated, rural farmstead on the edge of the Green. The proposed road junction to the front of the farmhouse is also considered to be impacted detrimentally. Similarly, they consider that the open fields contribute to the setting of the cottages at No's. 1-3 Little Green and their loss is also detrimental to the setting of the cottages.
- 7.6.9 The Heritage Officer considers the harm to be 'less than substantial' in the context of paragraph 196 of the NPPF. The less than substantial harm would need to be weighed against the public benefits of the proposal and in that regard they acknowledge that the site forms part of an allocated housing site and would contribute to meeting the District's housing needs.
- 7.6.10 The NPPG advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit. Turning to the three strands identified in the NPPF:

#### *Economic Benefits*

- 7.6.11 The development would bring some economic benefits during construction through the creation of jobs, however, it is noted that this would be limited and for a temporary period and is afforded only limited weight in terms of representing public benefit. Future residents would be supporting the local economy which be of long term benefit and is also afforded limited weight.

#### *Social Benefits*

- 7.6.12 The NPPF refers to “support strong, vibrant and healthy communities, by ensuring a sufficient number and range of homes can be provided to meet the needs of present and future generations...” The application site is an allocated housing site and the provision of 160 new homes would contribute to meeting the District’s housing needs. The application includes a range of sizes of homes and would provide 45% affordable housing provision. The LPA cannot currently demonstrate a 5 year housing land supply and there is a significant need for new homes within the District. Similarly, there is a significant need for affordable housing within the District. The South West Hertfordshire Strategic Housing Market Assessment January 2016 (SHMA) found that at that time there were approximately 658 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the number of households shown to be overcrowded in the 2011 Census (updated to a 2013 base for the purposes of the SHMA). 59.4% of these households were unable to afford market housing, which meant the revised gross need was reduced to 391 households.<sup>1</sup> The SHMA also looked into newly-arising (projected future) need within the District, which was accepted as arising from newly forming households and existing households falling into this need. In South West Herts, the SHMA estimated a need totalling 2,760 new households per annum from 2013-2036. 15% of this need falls within Three Rivers, which equates to an estimated level of affordable housing need in the District from newly forming households of 419 per annum.
- 7.6.13 In terms of public benefits, the contribution of the development, including the provision of affordable housing, to the District’s housing needs is afforded significant weight.
- 7.6.14 The proposed development provides 0.59 Ha of land for open space, comprising formal and informal open space areas and children’s play equipment. The areas of open space would be easily accessible to residents of the proposed development and from the surrounding area. This is afforded limited weight in terms of representing public benefit.

#### *Environmental Benefits*

- 7.6.15 The application has been amended to retain additional hedgerow to the main site access and to the front of plots 153 and 160 fronting The Green, with these dwellings now fronting the cul-de-sac, set back behind the retained hedgerow. Only a small section of the existing hedgerow (approximately 10 metres wide) fronting The Green would be lost to facilitate the access (a reduction in hedge loss of approximately 43 metres). Elsewhere around the site, existing boundary hedgerows are proposed to be retained and enhanced. A detailed landscaping scheme has been submitted with the application (updated to include additional hedge retention) which includes the proposed planting of 178 new indigenous trees and hedgerows. The attenuation pond and associated landscaping would bring biodiversity enhancements. The development will result in the loss of 6-7ha of grassland, a young orchard covering 0.17ha, and some hedgerow habitats, however, sufficient offsetting has been proposed (mainly for species-rich grassland, replacement orchard planting, and planting new hedgerows) to compensate for this loss and achieve measurable biodiversity net gain. This measurable net gain in biodiversity is afforded limited weight in terms of representing public benefit.

#### *Public Benefit – Conclusion*

- 7.6.16 Whilst it is acknowledged that the proposal would cause less than substantial harm to the significance of the Croxley Green Conservation Area and Grade II Listed Buildings (Killingdown Farm and No’s 1-3 Little Green Lane), this harm is considered to be outweighed by the public benefits of the significant number of new homes, including affordable homes, that would be created on this allocated housing site.

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<sup>1</sup> Table 33: Estimated Current Need, South West Hertfordshire Housing Market Assessment (January 2016).

7.6.17 It is also acknowledged that the design of the scheme has sought to respond to the heritage assets, concentrating the higher density development to the east outside of the Conservation Area and incorporating a traditional design approach which references Arts and Crafts detailing with pitched roofs with hipped, cat-slide features and gables on larger buildings.

*Archaeological Implications:*

7.6.18 With regards to archaeology, Policy DM3 of the Development Management Policies LDD (adopted July 2013) advises that;

*“Where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, it must be accompanied by an appropriate desk-based assessment and, where desk-based research is insufficient to properly assess the interest, a field evaluation... Where the loss of the whole or a material part of a heritage asset’s significance (archaeological interest) is justified, planning conditions will be included in any permission to ensure that an adequate record is made of the significance of the heritage asset before it is lost. This will be secured through an archaeological written scheme of investigation (WSI) which must include provision for appropriate publication of the evidence”.*

7.6.19 The application was accompanied by an Archaeological Desk Based Assessment. The Archaeological Desk Based Assessment suggested that the site has a moderate potential for archaeological finds or features dating to the Post Medieval and Modern periods. The site is considered to have a low potential for archaeological finds or features dating to other periods. The Proposed Development has the potential to damage any archaeological finds or features which may be present on the study site. However, if any archaeological finds or features are identified, they are likely to be of local significance only.

7.6.20 HCC’s Historic Environment Officer has reviewed the Archaeological Desk Based Assessment and noted that an archaeological trial trench evaluation of the proposed development site was underway, in order that the results may enable an informed decision to be made with reference to the impact of this proposal on the historic environment. Whilst they considered it likely that they will be able to recommend that appropriate provision could be made via conditions to mitigate the impact of the development, as the evaluation was not complete it remained possible that unexpectedly significant archaeology could be revealed.

7.6.21 Following completion of the investigations, an Archaeological Evaluation Report was submitted and has been reviewed by HCC’s Historic Environment Officer. In summary, they note that the evaluation at Killingdown Farm has provided evidence for Late Bronze Age/Early Iron Age and Romano-British activity on the site. Moreover, the features containing Late Bronze Age/Early Iron Age pottery are the first identified in the area to be dated to the later prehistoric period, and those to the south of the farm are the first confirmed evidence of Romano-British activity in the vicinity.

7.6.22 The Historic Environment Officer therefore concludes that the development will have an impact upon heritage assets of archaeological interest. However, while archaeological remains (heritage assets) are present, the results suggest that they are unlikely to be of such high significance and density to impact on the viability of development and they therefore raise no objection to the development subject to condition which would require:

- The further, targeted, archaeological evaluation via trial trenching, of the proposed development area, prior to any development taking place.
- Such appropriate mitigation measures indicated as necessary by the evaluation. These may include:
  - the preservation of any archaeological remains *in situ*, if warranted, by amendment(s) to the design of the development if this is feasible;



- the appropriate open area archaeological excavation of any remains before any development commences on the site;
- the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);
- The analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results.
- Such other provisions as may be necessary to protect the archaeological interest of the site.

7.6.23 These recommendations are considered to be both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal.

## 7.7 Impact on Residential Amenity of Neighbouring Occupiers

7.7.1 The Design Criteria as set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013) state that new development should take into consideration impacts on neighbouring properties and visual impacts generally. Oversized, unattractive and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the area.

7.7.2 With regards to privacy, Appendix 2 states to prevent overlooking, distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28m should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved. The distance should be greater between buildings in excess of 2 storeys.

7.7.3 No's 1-3 Little Green Lane are located to the north-west of the site. Plot 1 would be located to the south of these properties, although it is noted that an area of land approximately 6 metres wide and outside of the application site would separate the flank boundary of Plot 1 from the rear boundaries of No's 1-3 Little Green Lane. The dwelling on Plot 1 would be orientated facing west with its northern flank elevation facing towards these neighbouring properties. The dwelling (Plot 1) would be a two-storey detached dwelling with 'L' shaped footprint. It would have a Dutch hipped roof to both flanks with a gabled front projection set down slightly from the main ridge. It would have a maximum height of approximately 9 metres. The dwelling would be sited a minimum of 4 metres from the flank boundary with a separation distance of approximately 28 metres to the rear of No's 1-3 Little Green Lane. The relative siting, orientations and separation distance is such that it is not considered that the dwelling on Plot 1 would result in demonstrable harm to the residential amenities of occupiers of No's 1-3 Little Green Lane through either overshadowing or loss of light. One first floor flank window is proposed, this is a secondary bedroom window and it is considered appropriate to require this to be obscure glazed and top opening only in the interests of privacy.

7.7.4 The application site wraps around the eastern and southern boundaries of No. 5 Little Green Lane. The submitted plans indicate that this (No. 5 Little Green Lane) is two properties, however, it is a single detached dwelling with large garden to its western flank and rear. The levels slope up slightly to the rear of No. 5 and there is mature vegetation on the boundary providing a good degree of screen. The eastern boundary is a low hedgerow with clear views over into the application site. There are habitable windows in the eastern flank elevation including a first floor Juliet balcony.

7.7.5 Plot 5 would contain a two-storey detached dwelling that would be sited to the south-west of No. 5 Little Green Lane. It would adjoin the rear garden of this neighbour but would not directly back onto the dwelling house. It would be sited approximately 17 metres from the shared boundary and approximately 38 metres from the dwelling at the closest point. The relative siting of the dwellings and the separation distance is such that it is not considered

that the dwelling on Plot 5 would result in demonstrable harm through overshadowing or loss of light. Similarly, given the separation distances and that there would not be a direct back to back relationship, it is not considered that an unacceptable level of overlooking would be facilitated.

- 7.7.6 Plot 10 would contain a two-storey semi-detached dwelling house and would be sited to the south of No. 5 Little Green Lane. The dwelling on Plot 5 would face east with its northern flank elevation adjoining the shared boundary, set off the boundary by approximately 6.7 metres with a separation of approximately 29.6 metres to the rear of No. 5 Little Green Lane. The separation distance is such that it is not considered that the proposed dwelling on Plot 10 would result in demonstrable harm through overshadowing or loss of light. A single narrow first floor flank window is proposed and would serve a bathroom. There is a good degree of vegetation providing screening, however, it is acknowledged that this cannot be relied upon and it is considered appropriate to require this to be obscure glazed and top opening only in the interests of privacy.
- 7.7.7 Plot 26 would be sited to the east of No. 5 Little Green Lane. The existing boundary to the east of No. 5 Little Green Lane is a hedge which is not of significant height and allows for clear views over into the application site. The proposed development would clearly change the outlook for occupiers of No. 5 Little Green Lane, however, it is recognised that there is no right to a view in planning terms. That said, it is necessary to consider whether the proposed development would be acceptable when considering aspects such as overshadowing, loss of light and overlooking. Plot 26 would contain a two-storey detached dwelling with 'L' shaped footprint and a detached double garage. The garage would be sited to the north and would face east into the development site. It would be single storey with a pitched roof and sited approximately 9.8 metres from the boundary with No. 5 Little Green Lane (increased from 3 metres). This neighbouring dwelling is sited approximately 2.5 metres off the shared boundary. Given the spacing, single storey nature and hipped roof design sloping away from the shared boundary, it is not considered that the garage would appear overbearing or result in loss of light to this neighbour. Similarly, overlooking would not be facilitated. The dwelling (Plot 26) would be sited with its front elevation facing north towards the garage and its flank elevation facing west towards No. 5 Little Green Lane. The dwelling would be sited approximately 11.5 metres off the shared boundary (increased from 7 metres), approximately 14 metres from the neighbouring dwelling (increased from 9.5 metres). As a result of the amendments to increase the spacing to the boundary with No. 5 Little Green Lane, the space between the proposed dwelling and garage has been reduced to approximately 0.5 metres, however, it would remain a detached structure. It is noted that the neighbour has raised significant concerns regarding the impact on their amenity and has referred to the 45 degree line guidance set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013). This guidance indicates that development should not intrude a 45 degree line taken from a point on the joint boundary level with the rear wall of the neighbouring property. Proposed Dwelling 26 would be sited with its flank elevation facing No. 5 Little Green Lane and as such the 45 degree line guidance is not directly applicable. However, as amended it is noted that the proposed dwelling (Plot 26) would not intrude a 45 degree line taken from a point on the joint boundary level with the rear wall of the single storey projection at No. 5 Little Green Lane. It is also important to note that Appendix 2 advises that the principle is dependent on spacing and relative positions of properties and that consideration should also be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties. In this case, in addition to the development not intruding a 45 degree line if applied, there would be spacing of approximately 14 metres (increased from 9.5 metres) between the dwellings such that it is not considered that the proposed dwelling would result in an overbearing impact or loss of light. There is an existing Juliet balcony to the flank of No. 5 Little Green Lane. As noted above, there is no right to a view in planning terms but it is noted that a degree of spacing (approximately 0.5 metres) would be retained between the proposed single storey garage and dwelling on Plot 26 which would allow for some views, and the increased spacing to the boundary would further assist

in reducing any sense of enclosure. No first floor flank windows are proposed facing No. 5 Little Green Lane and a condition on any grant of consent would restrict the addition of further windows without consent.

- 7.7.8 There are other properties to the north and west, including Waterdell House and Little Waterdell House and Croxley House (Nursing Home). These do not immediately adjoin the application site and it is not considered that the proposal would result in demonstrable harm through overshadowing, loss of light, overbearing impact or overlooking. It is acknowledged that there would be increased activity, however, vehicle access would be from Baldwins Lane/Little Green Lane to the south and it is not the residential use of this allocated site would result in demonstrable harm to the residential amenity of neighbouring occupiers. The farmhouse at Killingdown Farm is centrally located within the area excluded from the application site, with farm buildings around its perimeter and would not be immediately adjacent to the boundary of any proposed dwelling such that the amenity of its occupiers would not be adversely affected.
- 7.7.9 Plot 160 would adjoin the boundary with the existing dwelling at 12 Dugdales to the south. The dwelling on Plot 160 would be a two-storey detached dwelling, the siting of which has been amended so that it would front the cul-de-sac, with an attached single storey double garage to its eastern flank. The two-storey rear element of the dwelling would be set approximately 13 metres from the boundary with No. 12 Dugdales. Given the spacing, it is not considered to result in demonstrable harm through overshadowing or loss of light or overlooking.
- 7.7.10 The dwellings on Plots 156 – 159 (4 dwellings) would back onto the rear garden boundaries of properties at 7, 8 and 8a Dugdales. The proposed dwellings are all two-storey dwellings of varying design. Dwellings 157 and 159 would include attached single storey double garages. Dwelling 156 would include a detached garage set forward of the dwelling. Dwelling 158 would be sited approximately 15 metres from the shared boundary and approximately 28 metres from the rear of No. 8a Dugdales. Dwelling 157 would be sited approximately 16 metres from the boundary and approximately 30 metres from the rear of No. 7 Dugdales. Given the back to back relationship and intervening distance between the existing and proposed dwellings it is not considered that overshadowing or loss of light, as experienced by occupiers of No's 7, 8 and 8a Dugdales, would occur. The proposed dwellings would include openings at ground and first floor level facing towards the shared rear boundary, however, the separation distances between these two storey dwellings would be a minimum of 28 metres which would accord with guidance set out within Appendix 2 of the Development Management Policies LDD (adopted July 2013) and are considered acceptable in the interests of privacy.
- 7.7.11 Plots 134 – 137 containing two pairs of two-storey semi-detached dwellings would back onto the rear gardens of No's. 4 and 5 Grove Crescent, also two-storey semi-detached dwellings. These existing dwellings are positioned around the end of a cul-de-sac such that they do not have a direct back-to-back relationship with the proposed development. The proposed dwellings would be sited approximately 15 metres off the boundary with a distance of approximately 29 metres to the closest rear corner of both No's. 4 and 5 Grove Crescent. The proposed dwellings would include openings at ground and first floor level in their rear elevations. Given the relative orientations and separation distances, the relationship is considered acceptable and would not result in demonstrable harm through overshadowing, loss of light or overlooking.
- 7.7.12 The three proposed flatted blocks (predominantly three-storeys in height) would be located to the east of the application site. They would be sited with their flank elevations facing towards the eastern boundary. The existing public footpath runs adjacent to this eastern site boundary with existing garages and dwellings on Grove Crescent to the other side. The southernmost of the proposed blocks (Block 3) would be sited approximately 4.5 metres from the footpath boundary at the closest point and approximately 31 metres from the two-storey rear elevation of the dwelling at No. 164 Grove Crescent. The spacing and

favourable siting of the neighbouring properties to the south is such that it is not considered that the Block would be overbearing or result in loss of light. Block 3 would include narrow flank windows at all levels, these would be secondary windows to the rooms they serve and it would be appropriate to require these (with the exception of ground floor openings) to be obscure glazed and top opening only in the interests of privacy.

7.7.13 The proposed central flatted block (Block 2) would be sited with its flank elevation approximately 28 metres from the rear elevation of No. 152-162 Grove Crescent, a three-storey flatted block. Its design includes a catslide roof to the east. The spacing and favourable siting of the neighbouring properties to the south is such that it is not considered that the Block would be overbearing or result in loss of light. It would include ground and first floor flank narrow windows which would be secondary windows to the rooms they serve. It would be appropriate for the first floor flank opening to be obscure glazed and top opening only in the interests of privacy.

7.7.14 The largest and northernmost of the three proposed blocks (Block 1) would be sited a minimum of approximately 12 metres from the boundary at its front south-eastern corner. Its siting is such that it would not directly face towards the existing three-storey flatted blocks on Grove Crescent to the east. Its design includes a set down two-storey element with second floor dormer windows and catslide roof to three-storey element, reducing its bulk towards the east. Given the siting of Block 1 from the boundary and its orientation (not directly facing any neighbour it is not considered that overlooking would be facilitated. Similarly it is not considered that it would result in harm through overshadowing or loss of light.

7.7.15 In summary, subject to conditions regarding obscure glazing and the removal of relevant permitted development rights, it is not considered that the proposed development would result in demonstrable harm to neighbouring amenity and would accord with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) in this regard.

## 7.8 Amenity of Future Occupiers and provision of Amenity Space

7.8.1 In addition to considering the impact on the amenities of existing neighbouring occupiers, it is necessary to consider the impact on the amenities of future occupiers.

7.8.2 The layout involves dwellings fronting the roads with spacing between. Where there are back-to-back relationships eg. between Plots 64-66 and Plots 70-72 and between Plots 77-83 and Plots 88-93 there is separation of approximately 28 metres which accords with the guidance set out within Appendix 2 of the Development Management Policies LDD (adopted July 2013). It is considered that the layout would ensure that the relationship between buildings within the site would be acceptable in the interests of the amenities of future occupiers.

7.8.3 Whilst there are no space standards specified within the Local Plan, it is noted that internal room configurations have been designed to both meet Building Regulations and comply with and usually significantly exceed the National Described Space Standards (NDSS), to ensure adequate room areas with space for furniture and storage requirements.

7.8.4 The table below highlights the above, showing that all of the proposed dwellings (market and affordable) are above the NDSS and in many cases, are significantly exceeded.

Unit Type	NDSS Standard (sqm)	Average Market Dwelling	% Increase over NDSS standard	Average Affordable Dwelling	% Increase over NDSS standard
1 bed 1 storey	50			50.97	102%
2 bed 1 storey	70			70.85	101%
2 bed 2 storey	79	80.5	102%	80.9	102%

3 bed 2 storey (5 person)	93	99.7	107%	98.4	106%
3 bed 2 storey (6 person)	102	140.1	137%		
4 bed 2 storey (6 person)	106			110.4	104%
4 bed 2 storey (7 person)	115	148.3	129%		
4 bed 2 storey (8 person)	124	172.9	139%		
5 bed 2 storey50	128	201.2	157%		

7.8.5 100% of the proposed dwellings are designed to building regulations M4(1) which means that they are visitable for disabled residents, with 45% of the proposed dwellings being enhanced to achieve the M4(2) Accessible and Adaptable Dwellings standard. As all dwellings exceed the NDSS, this also allows flexibility with regard to the layout of furniture within rooms to assist with accessibility if required.

### ***Amenity Space***

7.8.6 Amenity space requirements are set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013). For dwelling houses, the following amount of amenity space should be attained as either individual gardens or in part, as space forming settings for the buildings.

- 1 bed dwelling – 42 square metres
- 2 bed dwelling – 63 square metres
- 3 bed dwelling – 84 square metres
- 4 bed dwelling – 105 square metres
- Additional bedrooms – 21 square metres each

7.8.7 For flats 21 square metres is required for 1 bedroom flats with an additional 10 square metres for each additional bedroom. Communal space for flats should be screened from the highway and from passers by.

7.8.8 All dwelling houses would benefit from private rear gardens which would exceed adopted standards with communal amenity space for the flats. This is in addition to public space discussed at 7.12 below.

7.8.9 In summary, the development would be acceptable in relation to impact on future occupiers, including in relation to the provision of amenity space which would exceed standards. The compliance with NDSS is also noted. The development would be acceptable in this regard in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) in this regard.

### **7.9 Noise Impact**

7.9.1 Policy DM9 of the Development Management Policies LDD (adopted July 2019) sets out that planning permission will not be granted for development that has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development, has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation.

7.9.2 The application is accompanied by a Noise Impact Assessment prepared by Cass Allen Architectural and Environmental Acousticians which assesses the suitability of the site for the proposed development with regard to noise.

- 7.9.3 An assessment of the farm noise was carried out in accordance with BS4142. This assessment indicated that mitigation would be required to ensure that future residents will not be adversely impacted by the commercial noise. The report recommends that the installation of 1.8 metre high close boarded timber fencing around all garden plots with direct line of sight to Killingdown Farm will minimise farm noise emissions as far as reasonably practicable.
- 7.9.4 Details of boundary treatments would be required via condition on any grant of consent and it would be appropriate for such condition to include a specific requirement for 1.8 metre high close boarded timber fencing around all garden plots with direct line of sight to Killingdown Farm. Subject to such condition, the development is considered acceptable in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).
- 7.10 Highways, Access and Servicing
- 7.10.1 Paragraph 109 of the NPPF states that; *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 7.10.2 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed (paragraph 111 of the NPPF).
- 7.10.3 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.
- 7.10.4 Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Development will need to demonstrate that:
- i) It provides a safe and adequate means of access*
  - j) It is appropriate in scale to the existing infrastructure...*
  - k) It is integrated with the wider network of transport routes...*
  - l) It makes adequate provision for all users...*
  - m) It includes where appropriate, provision for public transport either within the scheme or through contributions*
  - n) The impact of the proposal on transport has been fully assessed...*
  - o) The proposal is accompanied by a draft Green Travel Plan*
- 7.10.5 Policy H03 'Connections to existing footpaths and cycle ways in new developments' of the Croxley Green Neighbourhood Plan (Referendum Version, December 2018) states that all new development should connect into the existing networks and improve their connectivity.
- 7.10.6 The application is accompanied by a Transport Assessment and Travel Plan. Following an initial interim response from the Highway Authority, additional information has been submitted during the course of the application. This includes slight amendments to the site layout in order to provide pedestrian connectivity from the southern cul-de-sac into the main part of the site.
- 7.10.7 The Highway Authority have been consulted on the application and note that the application site is accessed via Little Green Lane, which has a carriageway width of between 3.8 metres and 4.5 metres to the south of the site and narrows to approximately 2.8 metres wide to the north of the site. The stretch of the lane running adjacent to the north side of the site is an

unmade track in poor condition. There are no existing footways along Little Green Lane nor any street lighting.

- 7.10.8 The proposals include widening the carriageway on Little Green Lane (between its junction with Baldwins Lane and the application site) to 4.8 metres in addition to the provision of a 2 metre wide footway on the east side of the Lane running from Baldwins Lane and then north into the development. Where additional hedgerow is retained to the front of the cul-de-sac the footway at this point would continue behind the hedge. The western kerb edge closest to The Green remains on its current alignment and it is important to note that these widening works, including the provision of a footpath to the eastern side, are wholly within the extent of the highway boundary or applicants control and would not encroach onto The Green.
- 7.10.9 There are two proposed new vehicle accesses from Little Green lane, one providing access to a small cul-de-sac south of the farm buildings and another north of the farm buildings providing access to the majority of the housing development.
- 7.10.10 It is noted that a number of concerns have been raised regarding the principal of access from Little Green Lane and there is reference to the Croxley Green Neighbourhood Plan which states at paragraph 6.4.3; *“Evidence presented during the preparation of the TRDC Site Allocations included an indicative site plan submitted by the land owner which included site access to the major portion of the site through the garage courts off Grove Crescent. If feasible this proposal could resolve the traffic issues by minimising the use of Little Green Lane for access to the site”*. Whilst these comments are noted, the current application proposes access from Little Green Lane and this is therefore what is assessed as part of this application. The Neighbourhood Plan does not preclude access from Little Green Lane if it is demonstrated that this is acceptable on highways and other grounds.
- 7.10.11 There is also reference in the objection comments to a requirement for a 5.5 metre wide carriageway to serve the development given its size (over 100 dwellings). However, in this case, the Highway Authority have raised no objection to the proposed 4.8 metre wide carriageway along Little Green Lane, which they consider to be sufficient. A Stage One Safety Audit and Designers Response has been submitted. These include a swept path analysis for an 11.5 metre long refuse vehicle travelling past a parked car on Little Green Lane (cars parked outside existing dwellings on Dugdales). The details submitted are considered acceptable by the Highway Authority in this regard. The Highway Authority does not identify any requirement for parking restrictions along Little Green Lane. This means that occupiers of the 4 existing dwellings on Dugdales which front Little Green Lane would continue to be able to park outside their properties and that this would not restrict access to the application site (or beyond) including for refuse and emergency vehicles.
- 7.10.12 The Highway Authority considers that the levels of available vehicular to vehicular visibility at the proposed vehicle accesses onto Little Green Lane is acceptable and the proposed access arrangements along Little Green Lane to the site are acceptable.
- 7.10.13 A Section 278 Agreement with HCC as Highway Authority would be required in relation to the approval of the design and implementation of works that would be needed on the highway.
- 7.10.14 With regards to the internal road layout within the site, 4.8 metre wide carriageways are considered acceptable. A swept path analysis has been submitted and demonstrates that an 11.5 metre long refuse vehicle would be able to access the internal road layout and turn around within the site in order to exit onto Little Green Lane in forward gear. The Highway Authority does note that the acceptability of this would be dependent on the absence of parked vehicles at particular points. TRDC Environmental Protection Officers have confirmed that the layout would not raise any issues regarding access for refuse/re-cycling vehicles.

- 7.10.15 It is proposed to provide direct pedestrian links from the site to the existing public footpath to the east (Croxley Green 013) which is supported by the Highway Authority. The Highway Authority raised initial concerns regarding lack of pedestrian access from the west of the site, however, the amended site plan includes a pedestrian access from the southern cul-de-sac into the wider site. The Highway Authority is supportive of this to provide a convenient route for pedestrians between the common land to the west of the site and to the public footpath to the east of the site and is considered necessary to ensure that pedestrian accessibility and permeability is maximised.
- 7.10.16 Discussions have been ongoing between the applicant and the Highway Authority regarding the level of adoption. An indicative plan has been provided, however, the Highway Authority note that the applicant would need to enter into a Section 38 Agreement with HCC in relation to the submission and approval of any detailed plans. Details of the management and maintenance of any roads not to be adopted would also be required.
- 7.10.17 A trip generation assessment has been submitted and is based on information from the TRICS database. The Highway Authority considers the parameters and approach used to be acceptable. The assessment indicates that the development is expected to generate 75 two-way vehicle movements in the AM peak and 70 in the PM peak. This is considered acceptable from a highways perspective.
- 7.10.18 A Framework Travel Plan has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The travel plan is considered to be generally acceptable for this stage of the application, however, a full TP would need to be secured via a Section 106 planning obligation with a contribution of £6000 sought towards supporting the implementation, processing and monitoring of a full travel plan
- 7.10.19 In the event that planning permission was granted, the Highway Authority have indicated that a number of conditions would be requested regarding:
- Provision of Visibility Splays.
  - Estate Roads – details of future management and maintenance.
  - Offsite Highway Improvements – design approval and implementation/construction.
  - Provision of Internal Access Road, Parking and Servicing Area.
  - Construction Management Plan.
- 7.10.20 HCC as Highways Authority considers that the proposal would not have an unreasonable or significant impact on the safety and operation of the surrounding highway network. Therefore, the Highway Authority has no objections on highway grounds to the application, subject to the inclusion of the stated planning conditions and informatives and the completion of a Section 106 Agreement to secure a contribution of £6000 towards supporting the implementation, processing and monitoring of a full travel plan. The development is considered acceptable in this regard in accordance with Policy CP10 of the Core Strategy (adopted October 2011).
- 7.10.21 The application was deferred by Members at the Planning Committee Meeting on 25.02.2021 to enable the Local Planning Authority to seek the opinion of an independent Highways Consultant in respect of the suitability of the access from Little Green Lane.
- 7.10.22 The consultant has undertaken a review and this supports the views of HCC as Highway Authority and concludes that:
- Vehicle swept paths for an 11.5m refuse vehicle passing a parked car on a 4.8m wide carriageway at the southern end of Little Green Lane were produced and shown to work;



- A footway was shown to be provided on the eastern side of Little Green Lane, with a minimum width of 1.63m, although a site visit indicates that this may reduce down to 1.45m in one area;
- The relevant design standards allow for flexibility in the selection of carriageway and footway widths and those proposed fall within the range covered by those standards and are above the absolute minimum dimension in the Hertfordshire Highway Design Guide;
- The proposed highway works are to be provided within highway land. Based on the submitted drawings and a site visit the highway works appear to be deliverable either within the public highway or in land controlled by the applicant;
- The site is accessible by sustainable modes of transport and has a number of local facilities within walking distance; and
- The proposed development would not be expected to result in a severe adverse impact on road network capacity.

7.10.23 As such, officers remain of the view that the proposal would not have an unreasonable or significant impact on the safety and operation of the surrounding highway network and the development is considered acceptable in this regard in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

## 7.11 Parking

7.11.1 Parking requirements are set out in Appendix 5 of the Development Management Policies LDD (adopted July 2013). The requirements are 1.75 spaces (1 assigned) for 1 bedroom dwellings; 2 spaces (1 assigned) for 2 bedroom dwellings; 2.25 spaces (2 assigned) for 3 bedroom dwellings; and 3 spaces (3 assigned spaces within curtilage) for dwellings with 4 or more dwellings. Reference to dwellings includes all dwellings, ie. both houses and flats.

7.11.2 The application proposes 17 x 1 bedroom dwellings; 52 x 2 bedroom dwellings; 65 x 3 bedroom dwellings and 26 x 4+bedroom dwellings, the parking requirements for which are indicated below:

$$17 \times 1.75 = 29.75 \text{ (17 assigned)}$$

$$52 \times 2 = 104 \text{ (52 assigned)}$$

$$65 \times 2.25 = 146.25 \text{ (130 assigned)}$$

$$26 \times 3 = 78 \text{ (78 assigned within the curtilage)}$$

7.11.3 This would result in a total requirement for 358 car parking spaces to serve the development of which 277 should be assigned.

7.11.4 In total 358 parking spaces are proposed of which 339 would be assigned. This is comprised of 165 parking spaces and 46 garages serving the Market Dwellings; 128 private parking spaces serving the Affordable Dwellings; and 19 unassigned spaces. The overall level of parking would comply with the adopted standards and the number of assigned spaces would significantly exceed that required by the policy.

7.11.5 HCC as Highway Authority raise no objection to the level or layout of the assigned spaces. They did raise some concerns regarding the inclusion of the 19 unassigned on-street parking areas in the total provision as they may not be able to be permanently provided. However, they raise no objection to a level of 339 car parking spaces to serve the development and note that TRDC is the parking and planning authority for the District. The level of parking proposed is considered acceptable and in accordance with policy. The allocation and management of parking spaces would be secured via a Parking Management Plan on any grant of consent.

7.11.6 Current guidance requires spaces to be 4.8 metres by 2.4 metres, however, the Planning Statement sets out the parking spaces have been designed in accordance with Hertfordshire County Council's emerging guidance which requires larger spaces of 5 metres

by 2.5 metres. The provision of larger spaces to accommodate modern vehicles is supported.

- 7.11.7 With regards to accessible spaces, Appendix 5 requires 1 space for every dwelling built to mobility standards such as Lifetime Homes. The dwelling houses would all benefit from private driveways which would be of appropriate size. The appropriate number of spaces within the parking forecourts of the flatted blocks would be provided, their allocation and management secured via a Parking Management Plan on any grant of consent.
- 7.11.8 HCC as Highway Authority recommend the provision of an appropriate level of electric vehicle charging provision (EVCP). It is noted that TRDC current adopted policy does not require EVCP, however, the draft parking policy approved by the Local Plan Sub-Committee and Policy & Resources Committee includes a requirement for 20% of spaces for all residential development to be active provision and the remaining 80% of spaces to be passive. The application proposes active charging points for 20% of spaces with the remaining 80% passive, enabling future conversion. Very limited weight can be attached to the emerging policy, however, the proposal accords with the intentions of that policy. Details of the EVCP would be secured via condition as requested by the Highway Authority.
- 7.11.9 With regards to cycle parking, requirements are also set out in Appendix 5 which indicates there should be 1 space per dwelling and for flats the requirement is 1 space per 2 flats. A number of the dwellings benefit from garages which have been designed to be of sufficient size to accommodate bike storage. All dwellings would also benefit from private rear gardens where sheds could be provided to provide additional storage if required. The three flatted blocks all benefit from secure internal cycle storage at ground floor level. In the case of both dwelling houses and flats, the level of cycle parking would accord with Appendix 5.
- 7.11.10 In summary, the proposed development would provide a policy compliant level of car parking and would exceed the number of assigned spaces required by policy. The spaces proposed would comply with emerging guidance in relation to their size. The allocation and management of car parking spaces, including accessible spaces would be secured via a Parking Management Plan. A policy compliant level of secure cycle storage would also be provided and the development would accord with the emerging policy in respect of the provision of EVCPs. The implementation of the Travel Plan (referenced in section 7.10) would promote non-car modes. Subject to a condition requiring the submission of a car parking management strategy to ensure the appropriate allocation and maintenance of spaces, and the implementation of the Travel Plan, it considered that the development is acceptable in this regard in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

## 7.12 Public Realm, Open Space and Play Space

- 7.12.1 Policy DM11 of the Development Management Policies LDD states that in order to ensure that new residential developments do not exacerbate deficiencies in open and children's play space developments of 25 or more dwellings or over 0.6ha should make on site provision for open space and play space (10% of site area to be open space and 2% formal equipped play facilities).
- 7.12.2 The proposed development provides 0.59 Ha of land for open space, comprising formal and informal open space areas and children's play equipment. The areas of open space would be easily accessible to residents of the proposed development and from the surrounding area.
- 7.12.3 A Local Equipped Area for Play (LEAP) is proposed centrally and would be within 400m walking distance of all proposed dwellings. The LEAP would provide 400sqm of play space. Smaller 'door-step' play spaces of 100sqm are proposed throughout the site within 100m of

all dwellings. A natural play space is proposed to the eastern site boundary, incorporating an existing Oak tree (category A) at its centre.

7.12.4 The management of the public realm, open space and play space would be secured via condition. Subject to such condition, no objection is raised and the development would accord with Policy DM11 of the Development Management Policies LDD (adopted July 2013).

### 7.13 Trees and Landscaping

7.13.1 In ensuring that all development contributes to the sustainability of the District, Policy CP12 of the Core Strategy (adopted October 2011) advises that development proposals should:

“i) Ensure that development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with adjoining networks of green open spaces”.

7.13.2 Policy DM6 (Biodiversity, Trees, Woodlands, Watercourses and Landscaping) of the Development Management Policies LDD (adopted July 2013) advises that development proposals for new development should be submitted with landscaping proposals which seek to retain trees and other landscape and nature conservation features. Landscaping proposals should also include new trees to enhance the landscape of the site and its surroundings as appropriate.

7.13.3 The application is accompanied by a Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement and Tree Protection Plan (prepared in accordance with BS 5837:2012), a Landscape Mater Plan and Hard and Soft Landscaping Plans.

7.13.4 The Tree Survey identified 27 individual trees, 7 groups of trees, 4 areas of trees and 9 hedgerows. In addition to trees which require felling irrespective of development due to their poor condition, it is necessary to fell 4 individual trees (3 x Category C and 1 x Category U), 6 landscape features and sections of a further 6 landscape features in order to deliver the proposed layout. In addition to this, 2 trees and 5 landscape features require minor surgery to permit construction spaces or access.

7.13.5 The Design and Access Statement sets out that the development has been designed in order to retain and enhance the majority of hedgerow that surrounds the site and to retain the category A and B trees. The plans have also been amended during the application to include additional hedgerow retention at the main site entrance and to the front of the cul-de-sac facing The Green. In addition, a comprehensive landscaping plan has been submitted with the application which would include the proposed planting of 178 new indigenous trees and hedgerows. The level of additional planting, and use of indigenous trees and hedgerows is welcomed.

7.13.6 A condition on any grant of consent would require the implementation of the proposed landscaping scheme. A landscape management plan would be required via condition.

7.13.7 Subject to conditions, the development is considered acceptable and in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

### 7.14 Ecology

7.14.1 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.

- 7.14.2 Paragraph 170 of the NPPF advises that 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, including by establishing coherent ecological networks that are more resilient to current and future pressures.*
- 7.14.3 Paragraph 174 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should:
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*
- 7.14.4 Paragraph 175 of the NPPF advises that when determining planning applications, local planning authorities should apply principles including:
- 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.*
- 7.14.5 Policy CP1 of the Core Strategy (adopted October 2011) advises that; “all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to” (amongst other things) (f) “protect and enhance our natural, built and historic environment from inappropriate development and improve the diversity of wildlife and habitats”.
- 7.14.6 Policy CP9 of the Core Strategy (adopted October 2011) advises that; “The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces”.
- 7.14.7 Policy DM6 of the Development Management Policies LDD advises that development should result in no net loss of biodiversity value across the District as a whole.
- 7.14.8 The application is accompanied by a number of ecological reports that have been reviewed by Hertfordshire Ecology. Having reviewed the submitted details, Hertfordshire Ecology have raised no objection to the proposal subject to a number of planning conditions.
- 7.14.9 The application site is described as agricultural land forming part of Killingdown Farm and comprises, grassland fields (generally with improved grassland but one field is likely species-poor semi-improved grassland), dense scrub, ruderal vegetation, a small orchard, and with hedgerows and trees to its boundaries. The majority of farm buildings and associated hardstanding are outside the red line boundary; however, some timber sheds and open fronted barns within the site boundary are proposed for demolition.
- 7.14.10 Hertfordshire Ecology consider that the reports provide adequate assessment of the impact of the proposals and are based on appropriate survey methods and effort. They welcome the retention and enhancement of boundary hedgerows; retention of trees where possible; creation of an attenuation feature and associated landscaping applicable for biodiversity enhancements (such as wet and dry wildflower grassland, scrub, orchard and hedgerows); and use of native species planting in the landscaping scheme. They also note that green spaces and linking green ribbons are proposed within the residential area, and three of the open spaces within the residential development will have orchards as replacement for the loss of the existing orchard. Several integrated bat and bird boxes/features will also be incorporated within the new buildings, which is welcomed.
- 7.14.11 The development will result in the loss of 6-7ha of grassland, a young orchard covering 0.17ha, and some hedgerow habitats. However, Hertfordshire Ecology have advised that they consider that sufficient offsetting has been proposed (mainly for species-rich

grassland, replacement orchard planting, and planting new hedgerows) to compensate for this loss and achieve measurable biodiversity net gain.

7.14.12 The Ecological Impact Assessment Report suggests a number of mitigation measures to ensure that retention or replacement of important habitats is promoted, that legally protected species are not harmed, and that biodiversity net gain from the development is achieved. Specific objectives to be secured are:

- Implementation of the Landscape Management and Maintenance Plan;
- Production and implementation of a CEMP (for biodiversity), as referred to in section 6.13.2 of the EIA report;
- Management measures listed in section 6.3.5 of the EIA report should be followed to reduce the impact from the development on nearby Croxley Green Local Wildlife Site, which without mitigation has been assessed as 'significant'.

7.14.13 The above would be required to be secured via condition on any grant of consent. Similarly, the mitigation measures set out within the Badger Report would also be required to be secured by condition.

7.14.14 The area to the north of Little Green Lane is proposed to provide ecological enhancements and drainage attenuation, with a depression in the ground acting as a dry pond. This area would be free from any artificial lighting. Low level lighting with controlled light spill and glare is proposed for the residential area, however, further details would be secured via condition.

7.14.15 In summary, subject to conditions/informatives the development would not result in harm to biodiversity and protected species and would accord with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

## 7.15 Energy & Sustainability

7.15.1 Paragraph 93 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".

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

7.15.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.15.4 Three Rivers District Council declared a 'Climate Emergency' in 2019. The Climate Change Motion put forward by Members commits the council to use all practical means to reduce the impact of council services on the environment, use all planning regulations and the Local Plan to cut carbon emissions and reduce the impact on the environment. Whilst the

declaration of the Climate Emergency is noted, it is the current adopted Policy DM4 against which any planning applications must be currently be assessed.

- 7.15.5 The application was accompanied by an Energy Statement prepared by NRG Consulting which set out that the development would achieve a 7.70% reduction in carbon dioxide emissions over Building Regulations Part L (2013) and would therefore exceed the current policy requirement which requires a minimum 5% saving. However, following the consideration of a preliminary report at the Planning Committee in December 2020, the applicant has provided an amended Energy Statement in response to comments raised by both the Committee and Parish Council. It is now proposed to include Air Source Heat Pumps (ASHP) to all houses regardless of tenure and electric only heating to the flatted blocks. Adding these technologies to the proposed scheme in addition to the fabric first approach (the built envelope seeking to be as efficient as possible) improves the performance of the dwellings to deliver a 29.6% carbon saving when assessed against Building Regulations Part L 2013. This would significantly exceed the current policy requirement and supports the Council's commitment to the Climate Emergency. A condition on any grant of consent would require implementation of the amended Energy Statement prior to occupation.
- 7.15.6 The development complies with requirements of Policy DM4 of the Development Management Policies LDD (adopted July 2013).
- 7.16 Flood Risk and Drainage
- 7.16.1 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD (adopted July 2013) advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs). A SuDS scheme for the management of surface water has been a requirement for all major developments since April 2015.
- 7.16.2 The application was accompanied by a Flood Risk Assessment and Drainage Report. These set out that it is proposed to drain the site via a single SuDS feature (dry pond) located to the north of the site. The submitted details have been reviewed by the Lead Local Flood Authority (LLFA). The LLFA advised that the information provided did not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. As such and in order for the LLFA to advise the LPA that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage, additional information was requested by the LLFA.
- 7.16.3 The LLFA have reviewed the additional drainage information submitted and have confirmed that they raise no objection to the development subject to conditions. They note from the amended Flood Risk Assessment (carried out by PEP Civil & Structures Ltd, ref: 481819-PEP-00-XX-RP-C-6200, rev: P04, dated: 28.01.2021) submitted that the proposed drainage scheme is based on infiltration via deep borehole soakaways located in a dry pond with filter drain and detention basin with reno mattress along with tanked porous paving located in all residential driveways and car park parking spaces. They note that falling head tests have been completed at the specific location of the proposed deep borehole soakaways and the results have been provided to support the scheme.
- 7.16.4 An acceptable surface water drainage assessment has been submitted and it has been demonstrated that surface water run-off can be adequately handled within the application site, and that the development will not result in flooding of adjacent properties or within the site itself. As such, subject to conditions, the development complies with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

## 7.17 Refuse and Recycling

- 7.17.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
  - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
  - iii) There would be no obstruction of pedestrian, cyclists or driver site lines
- 7.17.2 The submitted Transport Statement sets out that a swept path assessment has been undertaken of an 11.22 metre refuse vehicle and this has demonstrated that refuse vehicles will be able to access and egress the site in forward gear with suitable turning heads provided on site.
- 7.17.3 Following an initial response from HCC as Highway Authority (HCC), additional information has been provided and include a swept path-analysis for an 11.5 metre long refuse vehicle travelling past a parked car on Little Green Lane to the south of the site (drawing no. 1908-012). HCC as Highway Authority have advised that the details submitted in this respect are considered sufficient and acceptable.
- 7.17.4 With regards to the internal site layout, HCC have advised that a swept path analysis has been submitted as part of the supplemental highways response document dated 22/10/2020 (drawing number 1908-012 SP11), illustrating that an 11.5 metre long refuse vehicle would be able to utilise the internal access road layout, turn around and egress to Little Green Lane in forward gear, the arrangements of which are considered to be acceptable by HCC as Highway Authority. TRDC Environmental Protection Officers have confirmed that the layout would not raise any issues regarding access for refuse/re-cycling vehicles.
- 7.17.5 The County Council's adopted waste planning documents reflect Government policy which seeks to ensure that all planning authorities taken responsibility for waste management. This includes ensuring that development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and ensuring that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.
- 7.17.6 HCC would therefore require a Site Waste Management Plan (SWMP) to be submitted which should aim to reduce the amount of waste produced on site. As a minimum the waste types should be defined as inert, non-hazardous and hazardous. The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste during construction, 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.
- 7.17.7 With regards to the location of refuse and re-cycling bins, for dwellings these would be per household and stored within the curtilage of the dwelling, with communal refuse/re-cycling storage areas in the three flatted blocks.

## 7.18 Lighting

- 7.18.1 A Lighting Impact Assessment has been submitted with the application. The report notes that the only roads near the site which have systems of street lighting installed are Dugdales and Grove Crescent. The areas to the north and north-west are largely open fields with a few residential properties. There is an absence of artificial lighting currently.
- 7.18.2 Potentially sensitive receptors include human residential receptors (properties within close proximity of the site), Croxley House Nursing Home and drivers on Little Green Lane due to potential glare from light sources. Ecology impacts are considered separately at 7.14 above.
- 7.18.3 It is recognised that artificial lighting will be required to facilitate both the safe and secure operation of the site during construction and longer term operation. Construction lighting details would be secured via a Construction Management Plan. Lighting for internal roadways and footways will comply with the Highway Authority's specification. Similarly, any lighting on Little Green Lane at the entrance to the development would also need to comply with such specification. In terms of the dwellings, houses will be fitted with an exterior porch light with wall mounted lights on the flatted blocks. These will be designed and directed to provide appropriate light whilst preventing obtrusive light spillage.
- 7.18.4 Subject to securing the appropriate level of detail via condition on any grant of consent, the development would be acceptable in this regard, in terms of both safety, amenity and ecology considerations, in accordance with Policies CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

## 7.19 Crime

- 7.19.1 Policy CP1 of the Core Strategy (adopted October 2011) advises that all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to, for example, promote buildings and public spaces that reduce opportunities for crime and anti-social behaviour. Policy CP12 also requires that development proposals design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places.
- 7.19.2 Policy H02 'Lifetime neighbourhoods and security' of the Croxley Green Neighbourhood Plan (Referendum Version, December 2018) states that all new dwellings should be safe and secure for everyone in line with the design principles of 'Secured by Design, New Homes 2014' or any successor document. Gated developments will be discouraged.
- 7.19.3 The submitted planning statement sets out that the scheme has been discussed with the Crime Prevention Design Advisor and their comments have been incorporated into the proposals to help reduce opportunities for crime and anti-social behaviour across the development.

## 7.20 Planning Obligations

- 7.20.1 Policy CP8 of the Core Strategy states that development should provide, or make adequate contribution towards, infrastructure and services to make a positive contribution to safeguarding or creating sustainable and linked communities, to offset the loss of any infrastructure through compensatory provision and to meet ongoing maintenance costs where appropriate. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015.
- 7.20.2 Policy CP4 of the Core Strategy provides the policy basis to seek to secure a proportion of dwellings to be provided as affordable housing. It seeks an overall provision of 45% which in most cases should be provided on site. It states that '*in assessing affordable housing*



*requirements including the amount, type and tenure mix, the Council will treat each case on its merits, taking into account site circumstances and financial viability'.*

7.20.3 Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition, and must meet all three of the following CIL Regulation 122 tests if they are to be treated as a reason to grant planning permission:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

7.20.4 Any costs associated with planning obligations should be accounted for in any assessment of scheme viability and impact on the residual funding available for affordable housing is a consideration.

### ***Three Rivers requirements***

7.20.5 Policy CP4 of the Core Strategy (adopted October 2011) seeks an overall provision of around 45% of all new housing to be affordable and states that in assessing the affordable housing requirements that each case will be treated on its own merits taking into account site circumstances and financial viability. The proposal includes 72 affordable units which represents 45%, with 51 (71%) Affordable Rented and 21 (29%) Shared Ownership. The provision of this affordable housing would be secured via condition on any grant of consent. The Affordable Rent level would be set at a level which has been determined as being genuinely affordable to those in housing need.

### ***Hertfordshire County Council (HCC)***

7.20.6 HCC as Highway Authority are seeking a Travel Plan and developer contributions of £6,000 via a Section 106 Agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed.

7.20.7 Overall it is considered that these contributions are required to mitigate the direct impacts of the development, and therefore meet the statutory tests.

7.20.8 With regards to the provision of fire hydrants, it is considered appropriate in line with TRDC current practice that this be secured by planning condition.

7.20.9 A S106 Agreement to secure the above financial contribution is being progressed.

### **7.21 Planning Balance**

7.21.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF (2019) 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."

- 7.21.2 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental. The social benefits of the scheme would include a significant contribution towards making up the shortfall in housing in the district therefore facilitating the Government's aim of boosting the supply of housing. The economic benefits of the scheme includes the ability for the future occupiers to support the local economy by using local amenities. In terms of the environmental benefits, the principle of residential development is acceptable in this location and the site of the proposed housing does not reside within an area of particular importance (i.e. Green Belt, AONB – see footnote 6 of the NPPF). The attenuation pond which would be sited within the Green Belt is not inappropriate development within the Green Belt as it maintains openness and does not conflict with the purposes of including land within the Green Belt.
- 7.21.3 As set out in section 7.6 above, the proposal would cause less than substantial harm to the significance of the Croxley Green Conservation Area and Grade II Listed Buildings (Killingdown Farm and No's 1-3 Little Green Lane), however, this harm is considered to be outweighed by the public benefits of the significant number of new homes, including affordable homes, that would be created on this allocated housing site and would aid the Council's housing supply.
- 7.21.4 In summary it is considered that whilst paragraph 11 of the NPPF is engaged the identified adverse impacts of the development would not significantly and demonstrably outweigh the benefits and therefore planning permission should be granted.

## **8 Recommendation**

- 8.1 That the decision be delegated to the Director of Community and Environmental Services and that PLANNING PERMISSION BE GRANTED, subject to the following conditions; and subject to the completion of a S106 Agreement:

C1 Time

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

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 Plans

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

108 PS 008 B  
108 PS 009 B  
108 PS 010 I  
108 PS 013 D  
108 PS 501 B  
108 PS 502 B  
108 PS 503 B  
108 PS 504 B  
108 PS 505 B  
108 PS 506 B  
108 PS 507 B  
108 PS 508 B  
108 PS 509 B  
108 PS 510 B  
108 PS 511 C  
108 PS 512 C  
108 PS 520 C

108 PS 521 C  
108 PS 522 C  
108 PS 523 C  
108 PS 524 C  
108 PS 525 C  
108 PS 526 C  
108 PS 527 C  
108 PS 528 C  
108 PS 529 C  
108 PS 530 D  
108 PS 531 D  
108 PS 532 C  
108 PS 533 C  
108 PS 540 C  
108 PS 541 C  
108 PS 542 C  
108 PS 543 C  
108 PS 544 C  
108 PS 545 C  
108 PS 546 C  
108 PS 547 C  
108 PS 548 C  
108 PS 549 C  
108 PS 552 C  
108 PS 553 C  
108 PS 560 C  
108 PS 561 C  
108 PS 562 C  
108 PS 563 C  
108 PS 580 C  
108 PS 581 C  
108 PS 582 D  
108 PS 583 D  
108 PS 585 C  
108 PS 584 C  
108 PS 586 E  
108 PS 587 E  
108 PS 588 C  
108 PS 589 C  
108 PS 600 D  
108 PS 601 D  
108 PS 602 C  
108 PS 603 C  
108 PS 604 C  
108 PS 605 C  
108 PS 606 C  
108 PS 607 C  
108 PS 608 C  
108 PS 612 D  
108 PS 613 D  
108 PS 614 D  
108 PS 619  
108 PS 620 D  
108 PS 621 D  
108 PS 622 C  
108 PS 623 C  
108 PS 640 B

108 PS 641 B  
108 PS 642 B  
108 PS 643 B  
108 PS 644 B  
108 PS 645 B  
108 PS 646 B  
108 PS 647 B  
108 PS 648 B  
108 PS 649 C  
108 PS 650 C  
108 PS 660 C  
108 PS 661 C  
108 PS 662 C  
108 PS 663 C  
108 PS 664 C  
108 PS 665 C  
108 PS 680 B  
108 PS 681 B  
108 PS 700 A  
108 PS 701 A  
108 PS 702 A  
108 PS 703 A  
108 PS 704 B  
108 PS 705 A  
108 PS 706 A  
108 PS 800 C  
108 PS 801 C  
108 PS 802 C  
1945-GUA-DR-L-004 Rev 5  
1945-GUA-DR-L-005 Rev 6  
1945-GUA-DR-L-006 Rev 6  
1945-GUA-DR-L-007 Rev 6  
1945-GUA-DR-L-008 Rev 5  
1945-GUA-DR-L-009 Rev 6  
1945-GUA-DR-L-010 Rev 6  
1945-GUA-DR-L-011 Rev 7  
1945-GUA-DR-L-012 Rev 6  
1945-GUA-DR-L-013 Rev 5  
1945-GUA-DR-L-014 Rev 7  
1945-GUA-DR-L-015 Rev 7

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policy SA1 of the Site Allocations LDD (adopted November 2014), Policies PSP2, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM3, DM4, DM6, DM8, DM9, DM10, DM11, DM13, Appendix 2 and Appendix 5 of the Development Management Policies LDD (adopted July 2013), Policies CA1, HO1, HO2, HO3 and PRO1 of the Croxley Green Neighbourhood Plan (Referendum Version December 2018) and the Croxley Green Conservation Area Appraisal (1996).

### C3 Affordable Housing

No development works above ground floor slab level shall take place until a scheme for the provision of the affordable housing to be constructed on the site pursuant to the planning permission (hereinafter referred to as the "Affordable Housing") has been submitted to and approved in writing by the Local Planning Authority (hereinafter referred to as the "Approved Scheme"). The Affordable Housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the five x one-bed, nine x two-bed and seven x three-bed units which shall be constructed on site and be provided as Shared Ownership Dwellings in accordance with the Plot Reference Schedule (DEV27-1b-21.08.2018), proposed site layout (108-PS-010 G), 108-PS-700 A, 108-PS-701 A, 108-PS-703 A and 108-PS-705 A;
- ii. the twelve x one-bed, twenty one x two-bed, seventeen x three-bed and one x four-bed units which shall be constructed on site and be provided as Affordable Rented Dwellings in accordance with the Plot Reference Schedule (DEV27-1b-21.08.2018), proposed site layout (108-PS-010 G), 108-PS-700 A, 108-PS-701 A, 108-PS-703 A and 108-PS-705 A;
- iii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iv. 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;
- v. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the Affordable Housing;
- vi. 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.
- vii. 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)
- viii. 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 Affordable Housing 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 the Affordable Housing (hereafter referred to as the 'Affected Affordable Dwelling(s)') where that whole or part is transferred or leased, pursuant to an event of default by any mortgagee or chargee of the Affordable Housing Provider or the successors in title to such mortgagee or chargee, or by any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 (hereafter referred to as the "Chargee"), PROVIDED THAT:
  - (i) the Chargee has first given the Council and the Affordable Housing Provider (as appropriate) 5 (five) months prior notice in writing (the "Chargee's Notice") of its intention to exercise any power of sale or lease in respect of any Affected Affordable Dwelling; and
  - (ii) the Chargee has first given the Council or the Affordable Housing Provider the opportunity to complete a transfer of the Affected Affordable Dwelling in order to ensure that it continues to be used for the purposes of Affordable Housing. The Chargee's Notice shall not be a valid Chargee's Notice unless it is accompanied by a

conveyancer's certificate signed and dated by the conveyancer and confirming that, at the date of the notice, the Chargee giving the notice is entitled to execute a transfer of the freehold of the Affected Affordable Dwelling and all land required to gain access to the Affected Affordable Dwelling from the public highway; and

(iii) the price for the purchase of the Affected Affordable Dwelling(s) 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(s) at the date of the transfer on the valuation assumption that it is to be retained in perpetuity as Affordable Housing.

(iv) If the Council or the Affordable Housing Provider is unable to secure the transfer of the Affected Affordable Dwelling to itself under the terms and in the circumstances described above within the said period of 5 (five) 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).

#### C4 Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste);
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

#### C5 Construction Environment Management Plan (CEMP)

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

- i) Risk assessment of potentially damaging construction activities.
- ii) Identification of "biodiversity protection zones".
- iii) 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).
- iv) The location and timings of sensitive works to avoid harm to biodiversity

features.

- v) The times during which construction when specialist ecologists need to be present on site to oversee works.
- vi) Responsible persons and lines of communication.
- vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- viii) 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 biodiversity and in accordance with Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

**C6 Site Waste Management Plan (SWMP)**

Prior to the commencement of development, 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) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

**C7 Surface Water Management Plan (Construction Phase)**

No development shall take place until the submission of a surface water management plan for the Construction Phase of the development is submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of surface water flooding and to protect the sensitivity of the deep borehole soakaways to siltation during the construction phase and to meet the requirements of Policies CP1 and CP12 of the Core Strategy and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

**C8 Deep Borehole Soakaways – Further infiltration testing**

Upon installation of the deep borehole soakaways, further infiltration testing should be completed to confirm the infiltration rates and submitted to and approved writing by the Local Planning Authority in order to confirm installation is adequate and meets the design requirements for the drainage system being installed.

Reason: To reduce the risk of flooding and confirm the infiltration requirements for the drainage system and to meet the requirements of Policies CP1 and CP12 of the Core Strategy and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

**C9 SuDS – Management and Maintenance Plan**

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 management and maintenance plan shall include;

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

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site for the lifetime of the development and to meet the requirements of Policies CP1 and CP12 of the Core Strategy and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

#### C10 Archaeology

**A** No demolition/development other than enabling works shall take place within the Archaeological Areas identified in hatching on plan ref. JAC25684.03 Rev 2.0 until an Archaeological Written Scheme of Investigation for a further programme of archaeological works has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as suggested by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

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

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

Reason: This condition is a pre commencement condition to define, in advance of any development commencing, the details of evaluation/mitigation necessary to protect any archaeological remains present within the development site. The significance of heritage assets with archaeological interest can be harmed/destroyed by development. This is in accordance with NPPF guidance, Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

#### C11 A: Highway Improvements – Offsite (Design Approval)

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as indicated on drawing no. 1908-012 PL06 G have been submitted to and approved in writing by the Local Planning Authority. These works shall include:



- a. 2m wide footway (or the maximum achievable width) on the whole of the east side of the carriageway along Little Green Lane (from the junction with The Green running north to the main application site);
- b. Any widening of the carriageway along Little Green Lane required to increase the width of the carriageway to at least 4.8m;
- c. Any necessary lighting along Little Green Lane;
- d. Works to create the main vehicular access into the site ('northern' access) / alterations to the existing route Little Green Lane, which would also include the dedication of additional land as highway (pursuant to a Section 38 highways agreement);
- e. New bellmouth entrance providing access to the 'southern' access to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side;
- f. Any alterations required to the existing entrances into Killingdown Farm including tactile paving and pedestrian dropped kerbs;
- g. Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides.  
The kerb line would need to be widened as there is evidence that vehicles oversail the highway verge at this location.
- h. Pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land.

#### B: Highway Improvements – Offsite (Implementation / Construction)

Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

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).

#### C12 Estate Roads

No construction of roads shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. The roads shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 and/or a Private Management and Maintenance Company has been established.

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

#### C13 Materials

Before any building operations above ground floor slab level hereby permitted are commenced, samples and details of the proposed external materials comprising of:

- External facing brickwork
- External cladding materials
- Windows
- Roof materials
- External rainwater goods

Samples shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the development being constructed in inappropriate materials 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).

C14 Car Parking Management Plan

A parking management plan, including details of the allocation of vehicle parking spaces and cycle storage spaces within the development; management and allocation of disabled parking spaces; and long term management responsibilities and maintenance schedules for all communal parking areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The parking management plan shall be carried out in accordance with the approved details.

Reason: To ensure that adequate off-street parking and maneuvering space is provided within the development so as to not prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C15 Provision of Visibility Splays

Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan numbers 1908-012 VS02 and 1908-012 VS03 A (attached to Applicants Response to Highways Comments 1908-012/DE/00 dated 22.10.2020). The splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C16 Provision of Internal Access Roads, Parking & Servicing Areas

Prior to the first occupation of the development hereby permitted, details of the phased delivery of the proposed internal access roads, on-site car parking and turning areas shall be submitted to the Local Planning Authority. These shall then be laid out, demarcated, surfaced and drained in accordance with the approved plan(s) and phasing details and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C17 Electric Vehicle Charging Provision

Prior to the occupation of each dwelling within the development hereby permitted, provision shall be made to each dwelling with garage or driveway to be provided with charging cabling to a dedicated socket fixed to the house or garage, of sufficient capacity to enable as a minimum Mode 3 at 3.7 kW (16A). Flatted accommodation shall incorporate appropriate installation of groundwork ducting for future installation.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

### C18 Energy Saving Measures

The development shall not be first occupied until the energy saving and renewable energy measures detailed within the approved Energy Statement (PP1584/ES/KF/202007-EC Revision C) are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

### C19 Boundary Treatments - Details

Prior to the first occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

This shall include 1.8 metre high close boarded timber fencing around all garden plots with direct line of sight to Killingdown Farm as recommended in the submitted Noise Impact Assessment.

The boundary treatment around each plot shall be erected prior to the first occupation of that Dwelling in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: 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 Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

### C20 Obscure Glazing

Before the first occupation of the relevant building hereby permitted the window(s) listed below shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

In the interests of the privacy of existing occupiers:

- Dwelling 1 (Plot 1) – First floor northern flank window facing No's 1-3 Little Green Lane;
- Dwelling 10 (Plot 10) – First floor northern flank window facing No. 5 Little Green lane;
- Apartment Block 2 – First floor south-eastern flank window facing Grove Crescent;
- Apartment Block 3 – First and second floor south-eastern flank windows facing Grove Crescent.

In the interests of the privacy of future occupiers of the proposed development:

- Dwelling 3 (Plot 3) – First floor western flank window
- Dwelling 5 (Plot 5) – First floor eastern flank window
- Dwelling 8 (Plot 8) – First floor southern flank window
- Dwelling 29 (Plot 29) – First floor southern flank window
- Dwelling 57 (Plot 57) – First floor northern flank window

- Dwelling 49 (Plot 49) – First floor northern flank window
- Dwelling 66 (Plot 66) – First floor western flank window
- Dwelling 88 (Plot 88) – First floor western flank window

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties 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).

#### C21 Tree Protection

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme as detailed in the 'Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan Rev A dated 16.04.2021' before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

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

#### C22 Play Space

The play areas shall be provided in accordance with the details on the approved plan numbers 1945-GUA-DR-L-004 Rev 5; 1945-GUA-DR-L-005 Rev 6; 1945-GUA-DR-L-007 Rev 6; 1945-GUA-DR-L-008 Rev 5; 1945-GUA-DR-L-009 Rev 6; 1945-GUA-DR-L-010 Rev 6; 1945-GUA-DR-L-011 Rev 7; 1945-GUA-DR-L-012 Rev 6; 1945-GUA-DR-L-013 Rev 5; 1945-GUA-DR-L-014 Rev 7; 1945-GUA-DR-L-015 Rev 7 and 1945-GUA-DR-L-014 Rev 7, to co-ordinate with the occupation of the residential development, and shall thereafter be retained, kept open, managed and maintained to the satisfaction of the Local Planning Authority in accordance with the approved Landscape Management Plan (1945-GUA-DOC-L-002 Rev P06).

Reason: To ensure provision is made for children's play space in accordance with Policy PSP2 of the Core Strategy (adopted October 2011) and Policy DM11 of the Development Management Policies LDD (adopted July 2013).

#### C23 Landscaping

Hard and soft landscaping is approved in accordance with the details set out on the following approved plans/schedules:

1945-GUA-DR-L-004 Rev 5  
 1945-GUA-DR-L-005 Rev 6  
 1945-GUA-DR-L-006 Rev 6  
 1945-GUA-DR-L-007 Rev 6  
 1945-GUA-DR-L-008 Rev 5  
 1945-GUA-DR-L-009 Rev 6  
 1945-GUA-DR-L-010 Rev 6  
 1945-GUA-DR-L-011 Rev 7  
 1945-GUA-DR-L-012 Rev 6  
 1945-GUA-DR-L-013 Rev 5  
 1945-GUA-DR-L-014 Rev 7

1945-GUA-DR-L-015 Rev 7

Prior to the first occupation of the development hereby permitted, details of the phased delivery of the proposed hard and soft landscaping shall be submitted to the Local Planning Authority. These shall then be laid out in accordance with the above phasing.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings within that phase of the development or completion of the development, whichever is sooner.

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

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

**C24 Landscape Management Plan**

The approved Landscape Management Plan (1945-GUA-DOC-L-002 Rev P06) shall thereafter be carried out as approved.

Reason: To ensure that the approved landscaping is satisfactorily maintained, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

**C25 Ecological Impact Assessment/Badgers**

The development hereby permitted shall be carried out in accordance with the recommendations in the approved Ecological Impact Assessments (Report Refs. C140/R5/v4 and C140/R6/v3 dated August 2020).

Reason: To enhance opportunities for wildlife in accordance with Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

**C26 Flood Risk Assessment – In accordance with**

The development permitted by this planning permission shall be carried out in accordance with the amended Flood Risk Assessment (carried out by PEP Civil & Structures Ltd, ref: 481819-PEP-00-XX-RP-C-6200, rev: P04, dated: 28.01.2021) submitted and the following mitigation measures:

1. Implementing drainage strategy based on deep borehole soakaway as shown on drawing 481819-PEP-00-XX-SK-C-1830 Rev P06.
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 event.
3. Implementing appropriate SuDS measures to include dry pond, detention basin with reno mattress, filter drain and tanked porous paving.

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

Reason: To reduce the risk of flooding to the proposed development and future occupants and to meet the requirements of Policies CP1 and CP12 of the Core Strategy and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

#### C27 Removal of Permitted Development Rights

Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

##### Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class D - erection of a porch

Class F - any hard surface

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

#### C28 Retention of Garages

The garages (both those permitted as integral garages and detached garages) serving residential dwellings hereby permitted, shall be retained for the garaging of private cars. No alterations both externally or internally shall be carried out to the garages such as to prevent their use for garaging private cars.

Reason: To ensure adequate parking provision is maintained in accordance with the requirements of Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

#### C29 Fire Hydrants

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).

#### C30 External Lighting

No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position,

height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity and biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

## **Informatives:**

- 11 General Advice: 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](mailto: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](http://www.hertfordshirebc.co.uk).

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

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 Construction Hours: 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 Positive and Proactive: 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.
- 14 278 Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
- 15 Estate Road Adoption: The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the website  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
- 16 Public Right of Way: The Public Right of Way should 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 should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.  
  
If the above conditions 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. For further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works, please see  
<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx> or  
[row@hertfordshire.gov.uk](mailto:row@hertfordshire.gov.uk)
- 17 Affordable Housing Definitions



The following terms (and those related to them) referred to at Condition C3 shall be defined as set out below:

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

Affordable Rented Dwellings means a dwelling provided through an Affordable Housing Provider let to households who are in Housing Need subject to rent controls that require a rent that does not exceed the South West Herts Local Housing Allowance (including any Reasonable Service Charge).

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

Choice Based Lettings Scheme means the system which is used by TRDC which enables properties to be let to applicants.

Housing Allocations Policy is the Council's 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 England (HE) means the agency of that name established by the Government (pursuant to the Housing and Regeneration Act 2008) which exercises the function of the former Housing Corporation in relation to financial assistance for new affordable homes (or any successor body).

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

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

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

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

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

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

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

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

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

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

- 18 S106 Agreement: The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990.
- 19 Informative from LLFA: The applicant should contact the Environment Agency regarding any environmental permits required for the proposed deep borehole soakways within the drainage design.
- 110 Refuse and Recycling: Please contact Three Rivers District Council on 01923 776611 to arrange purchase and delivery of refuse and recycling bins giving at least one months' notice prior to the occupation of the properties. Only bins supplied by Three Rivers District Council will be emptied.
- 111 Definition of 'Enabling Works' pursuant to Condition 10 (Archaeology):  
For the purposes of Condition 10, 'Enabling Works' are defined as Ecological and vegetation clearance as per the AIA and Ecology reports and Attenuation pond work,

specifically borehole work for additional drainage investigations as per the Lead Local Flood Authority's condition requirements.