

## PLANNING COMMITTEE - 23 MARCH 2023

### PART I - DELEGATED

6. 20/0898/OUT: Outline Application: Comprehensive development of the site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access) at Land East Of Green Street And North Of Orchard Drive Chorleywood (DCES)

Parish: Chorleywood

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: 25 September 2020

Case Officer: Adam Ralton

Extension agreed to: 31 March 2023

**Recommendation:** That outline planning permission be refused.

**Reason for consideration by the Committee:** The application has been called in to committee by three Members of the Planning Committee and by Chorleywood Parish Council. In addition, the proposal represents a departure from the Development Plan.

#### Update

A preliminary report was brought to the Planning Committee meeting in August 2022 where the application was discussed and clarification was sought by Members on a number of aspects. The report and analysis of the proposed development has accordingly been updated. Since that meeting, additional information has been received from the applicant relating to impacts on car traffic on the M25 J18, on drainage matters, biodiversity and in respect of a recent planning appeal decision the applicant considers relevant. All documents are available to view online and are considered in the analysis below.

Point Raised	Response
Chorleywood Parish Council made reference during the meeting to a traffic report which was produced for the Parish Council but had not been submitted to the LPA.	That report has been submitted to the LPA and is available to view on the planning application file (online date 22 September 2022). HCC highways have had sight of the report and made no further comment.
Ensure consideration is given to buffer zones around footpaths.	This matter would be considered when the reserved matter of Layout is considered, should outline planning permission be granted.
Ensure housing mix is suitable.	<b>Section Error! Reference source not found.</b> of this report details affordable housing and the housing mix. Details of the final mix can be secured by planning condition.
Thames Water do not have capacity but have not objected.	This matter is dealt with at <b>Error! Reference source not found..</b>

#### 1 Relevant Planning History

- 1.1 20/0002/EIAS: Environmental Impact Assessment Scoping Opinion Request - Development of up to 800 No. Residential Dwellings, associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems.
- 1.2 20/0882/OUT: Outline Application: Demolition of the existing farm building and comprehensive development of the site, delivering up to 800 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access). Under consideration.

- 1.3 The following planning application has been submitted to Buckinghamshire Council for its determination. The site falls outside of Three Rivers District, but is considered relevant to the current application given its proximity to the application site, the ownership of the site, and the references to this adjacent site within the supporting documents submitted with and forming part of the current application 20/0898/OUT:

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

## **2 Description of Application Site**

- 2.1 The application site comprises the southern and western parts of undeveloped greenfield land in countryside to the north of Chorleywood. It has an area of approximately 10.4ha and is currently used as grazing land. The wider field contains a barn in the north eastern corner. The application site generally slopes downward toward the south-east and includes a localised dry valley within the centre of its slope. Both the site and the wider field are within the applicant's control/ownership and have a total area of approximately 23ha.
- 2.2 The west, south and eastern boundaries of the wider field are marked by vegetation (including a mixture of trees and hedgerows). The northern boundary of the application site runs across the field and has no physical demarcation on the land. The northern boundary of the field is, to a greater extent than the other boundaries, marked by low fencing which encloses a private footpath. The site is openly visible from the private footpath, and in glimpsed views through the vegetation alongside Green Street and from a public footpath to the rear of properties which front Orchard Drive, as well as from rear facing windows in houses fronting Orchard Drive. The site is also visible from houses fronting Darvells Yard and Woodlands Lane, and in longer range views from Chorleywood Common.
- 2.3 The northern boundary of the field is adjacent to a private footpath, which provides pedestrian access from Green Street to St Clement Danes School (which is beyond the north eastern boundary of the site). The land to the north of the footpath is open grassland, with a flatter topography than the application site. Public footpath Chorleywood 011 runs around the school site, touching the north eastern corner of the field. The western boundary of the application site is alongside Green Street. Green Street links Chorleywood to the south with the A404 to the north. The southern boundary of the site is adjacent to public footpath Chorleywood 014, with the gardens to houses fronting Orchard Drive beyond. The eastern boundary of the site follows the boundaries of the rear gardens of dwellinghouses at Darvells Yard.
- 2.4 The development site would be accessed via Green Street, which links the A404 to the junctions of Station Approach and Shire Lane in Chorleywood. Green Street has the characteristics of a rural lane, with the northern part of the road containing a limited number of buildings set back from the road including three clusters of converted agricultural buildings. Beyond these clusters of houses, there is open land to either side of Green Street with the application site to the east and open land forming the Chiltern Hills Golf Course to the west. The street is generally lined by trees or hedgerows until the junction with Orchard Drive, after which Green Street has the appearance of a suburban residential street, with detached and semi-detached two storey dwellinghouses on either side of the street, wide grass verges and footways on either side of the carriageway. This character remains as Green Street continues to drop down to the junction with Station Approach and Shire Lane beyond which is the Chorleywood Key Centre.

- 2.5 Both Orchard Drive and Orchard Close are residential roads, characterised primarily by two storey detached houses and bungalows. Orchard Drive slopes down toward the south away from Green Street.
- 2.6 Woodland Lane to the east of the site is a Private Road which provides access to several substantial detached dwellinghouses, set in large plots. Many directly face and have views over the wider field but not in every case views of the red line application site. Darvells Yard is located to the south of Woodland Lane, accessed via Common Road, and comprises a series of dwellings built on a site that was formerly a complex of industrial units. Common Road also features large detached houses set in substantial grounds. These three areas have a rural character being houses in countryside which changes further south beyond Darvells Yard where the built form becomes detached dwellings set closer to each other, in more modest plots, followed by rows of terraced dwellings fronting The Common.
- 2.7 The Chorleywood Common Conservation Area is adjacent to the south-eastern part of the application site. The Common was designated a Conservation Area in 1976, with a boundary amendment in 1991. The Conservation Area is of both historic and architectural interest. The application site adjoins Character Zone D of the conservation area and is visible from Zone E (the Common).
- 2.8 The application site is located north of the Chorleywood Key Centre (approximately 10 minute walk/0.5 mile distance, downhill from the site and accessed via lit pavements) and is a similar distance to Lower Road and the lower part of Whitelands Avenue (the main shopping area) and to Chorleywood Railway Station.
- 2.9 In relation to planning policy related constraints, the application site is located within the Chilterns Area of Outstanding Natural Beauty and the Chilterns Landscape Area, and the Metropolitan Green Belt. The site is located to the east side of Green Street. Land to the west side of Green Street is located within the administrative area of Buckinghamshire Council. A parcel of land to the immediate south east of the south eastern corner of the application site is designated as a Local Wildlife Site. As noted, the south eastern corner of the site is also directly adjacent to the Chorleywood Common Conservation Area boundary.

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

- 3.1 This application seeks outline planning permission for the comprehensive development of the site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems.
- 3.2 This application has been submitted in Outline with the matter of Access submitted for approval, and matters of Appearance, Landscaping, Layout and Scale reserved for later consideration. Access is defined in the Development Management Procedure Order as meaning 'the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network'.
- 3.3 The detailed application drawings show the position of the proposed points of vehicular access to the site. The first point of access would be approximately 100m to the south of the existing cattle barn and footpath which provides pedestrian access from Green Street to St Clement Danes School. This access would be primarily for pedestrians and cycles, with lockable bollards restricting vehicular access but enabling emergency access if necessary. The second would be approximately 120m north of the junction of Orchard Drive and Green Street. This would provide full vehicular and pedestrian access into the site. There would also be points of access into the site from the public footpath to the south-east of the site.

- 3.4 The submitted illustrative masterplan sets out the provision of roads and walking/cycling routes within the site, including circulatory roads and footpaths. The illustrative masterplan also provides details of the potential position of an area of open space to the south of the site which would include soft landscaping and drainage features.
- 3.5 The application sets out that as well as delivering the residential development, it would deliver the following 'benefits' (which are summarised here and considered in detail within this report below):
- Delivery of housing including affordable housing,
  - Delivery of new sporting and community facilities for Chorleywood Common Youth Football Club,
  - New location for Chorleywood Golf Club with peppercorn rent,
  - Over-provision of play space.
- 3.6 This application is accompanied by an Environmental Impact Assessment. National Planning Practice Guidance explains that "the aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process". The regulations set out the procedure for assessing, consulting and coming to a decision on those projects likely to have significant environmental effects. The guidance also confirms that "the Environmental Statement, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority... in deciding whether or not to grant consent for the development".
- 3.7 The application is supported by the following documents which have been taken into account as part of this reported assessment of the planning merits of the application.:
- Environmental Statement
    - Volume 1 comprising main text with chapters covering the Introduction, Site and Designations, Proposed Development, Consultation and Alternatives, EIA Approach, Socio Economics, Air Quality, Traffic and Transport, Cultural Heritage, Ecology, Water Environment, Noise and Vibration, Landscape and Visual, Human Health, and Assessment Mitigation and Implementation Summary.
    - Volume 2 - technical appendices.
    - Volume 3 - non-technical summary.
  - Covering Letter (4 May 2020)
  - Draft S106 Agreement template
  - Town Planning and Affordable Housing Statement (May 2020)
  - Design and Access Statement (May 2020)
  - Transport Assessment (April 2020)
  - Travel Plan (April 2020)
  - Construction Management Plan (April 2020)
  - Statement of Community Involvement (April 2020)
  - Flood Risk Assessment (April 2020)
  - Preliminary Contamination Risk Assessment (November 2019)
  - Ground Investigation Report (April 2020)
  - Energy and Sustainability Statement (April 2020)
  - Outline Solid Waste Management Strategy (May 2020)
  - Utilities Assessment (April 2020)
  - Biodiversity Checklist
  - Site Location Plan (GSE300 - Drawing 001)
  - Land Use and Parameter Plan (GSE300-PA-01-02)

- Building Heights Parameter Plan (GSE300-PA-02-03)
- Green Infrastructure Parameter Plan (GSE300-PA-03-02)
- Landscape Strategy Drawing (SK01)
- Access and Extended Footway Drawing (SK24)
- Footway and Cycleway Connections (SK27)

3.8 In late 2021 and early 2022, additional information was submitted by the applicant, to respond to the comments received from the public and statutory consultees following the LPA issuing a request for further information under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The following additional documents were received for consideration and have been taken into account in this report:

- Environmental Statement Addendum (November 2021)
  - Replacement Chapter 8 – Traffic and Transport, and additional junction modelling data
  - Updated Flood Risk Assessment
  - Response to Lead Local Flood Authority
  - Response to Ecology comments including amended mitigation details, arboricultural report, bat survey technical note, Great Crested Newt survey technical note, Biodiversity Net Gain technical note.
  - Gradiometer survey report,
  - Replacement layout drawings
  - Non-Technical Summary
- Addendum to Town Planning and Affordable Housing Statement with appendices including response to ecology consultee responses and landscape consultee responses (November 2021)
- Amended illustrative masterplan.
- Transport Assessment Addendum (May 2021)
- Site Access Visibility Splays (Technical Note 5 v2 May 2021)
- Additional Supporting Highways Information
  - Covering Note Proposed Residential Development of up to 300 Dwellings.
  - Appendix A1 and A2 – Transport Assessment from April 2020
  - Appendix B – Technical Note 1: M25 Junction 18 LinSig Validation Report V2.
  - Appendix C – Technical Note 7 V1 – Site Access Visibility Splays.
  - Appendix D – Technical Note 6 V2 – Sustainable Travel.
  - Appendix E – Technical note 9 – Residual Matters V1.
  - Appendix F - Additional Drawings SK41 Footway, Cycleway and Emergency Access, SK42 Vehicle, Footway and Cycleway Access, SK43 Footway and Cycleway Improvements, Sk44 Orchard Drive Junction Improvements, SK45 Green Street (South) Improvements, SK46 Zebra Crossing Improvements, SK47 Tactile Paving Gilliat's Green, SK48 Improvements Location Plan.

3.9 In late 2022, the following additional information was submitted by the applicant:

- Transport Assessment Technical Note 13: M25 Jct 18, Future year modelling impact on HCC network, dated November 2022
- Rebuttal notice dated November 2022 from Cole Easdon consultants relating to drainage matters.
- Planning Note from agent summarising details of a planning appeal in Cheltenham.
- Updated biodiversity net gain metric.

## 4 Consultation

### 4.1 Summary of Consultation Responses:

Affinity Water	9.1.1	No objection
Buckinghamshire Council	9.1.2	No objection
Chilterns Conservation Board	9.1.3	Object
Chorleywood Parish Council	9.1.4	Object
Chorleywood Residents Association	9.1.5	Comment received
Environment Agency	9.1.6	No comment
Friends of Chorleywood Common	9.1.7	Object
Hertfordshire County Council – Archaeology	9.1.8	Insufficient information
Hertfordshire County Council – Fire and Rescue	9.1.9	No objection
Hertfordshire County Council – Highway Authority	9.1.10	No objection
Hertfordshire County Council – Lead Local Flood Authority and TRDC's appointed Drainage Consultant	9.1.11	Object
Hertfordshire County Council – Minerals and Waste	9.1.12	No objection
Hertfordshire County Council – Growth and Infrastructure	9.1.13	No objection
Hertfordshire County Council – Public Health	9.1.14	Comment received
Hertfordshire Constabulary	9.1.15	Comment received
Herts and Middlesex Wildlife Trust	9.1.16	Insufficient information
Herts Ecology	9.1.17	Insufficient information
National Highways	9.1.18	No objection
Historic England	9.1.19	No comment
National Grid	9.1.20	No comment received
Natural England	9.1.21	Object
NHS Herts Valleys CCG	9.1.22	Comment received
Three Rivers District Council - Conservation Officer	9.1.23	Object
Three Rivers District Council - Environmental Health	9.1.24	No objection
Three Rivers District Council - Landscape Officer	9.1.25	No objection
Three Rivers District Council – Landscape Consultant	9.1.26	Comment received
Three Rivers District Council - Leisure Development Team	9.1.27	Comment received
Three Rivers District Council - Local Plans Team	9.1.28	Comment received
Three Rivers District Council – Housing Team	9.1.29	Comment received
Thames Water	9.1.30	No objection
Transport For London	9.1.31	No objection

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

## 4.2 Public/Neighbour Consultation Responses

4.2.1 The Development Management Procedure Order (2015, as amended) requires applications accompanied by an Environmental Impact Assessment to be publicised by site notice and notice in the local newspaper. Site notices have been displayed in various locations around the site, including at the existing entrance to the site serving the agricultural building and the footpath to St Clement Danes School, on posts at either end of the public footpath to the south of the site (Chorleywood 014), on Chenies Road at the entrance to footpath Chorleywood 011, and at the junction of Green Street/Shire Lane/Station Approach. Notices have also been published in the Watford Observer. In addition to this statutory requirement, the LPA has written to 407 neighbouring properties considered closest to the site or with the most apparent views of the site.

4.2.2 Approximately 859 responses have been received, comprising 847 objections, 4 representations and 8 letter of support.

- 4.2.3 Site Notice: Original site notices displayed 18 June 2020 (expired 18 July 2020). Amended site notices displayed 21 January 2022 (expired 20 February 2022)
- 4.2.4 Press Notice: Original notices published 19 June 2020 (expired 19 July 2020). Amended notice published 14 January 2022 (expired 20 February 2022)
- 4.2.5 Summary of letters of support:
- People need new homes, we should welcome more people here.
  - Chorleywood has the space.
  - Pressure on public services can and should be managed.
  - With a limited supply of smaller, more affordable housing in the village, there is little chance of children being able to remain in the area once they are ready to leave the family home.
  - Important for prosperity of the village for young people to live here
  - Development would boost community, more customers for shops.
  - Loss of the field will have little impact as its adjoined by a larger green area on the other side of Green Street.
  - Local schools can expand.
  - Most residents would walk to the station rather than drive.
  - Chorleywood needs to take its share of new housing which is desperately needed by younger generations.
  - The site has numerous advantages over other proposed locations and is likely to include financial contributions toward health and education.
  - The new golf course is an added benefit.
  - 50% affordable housing is over the 45% policy requirement.
  - Developer has consulted with local community and housebuilders and are committed to the project.
  - Site appears as a series of ordinary fields, not AONB.
  - Some concern regarding increase in traffic but close to town centre facilities reduces driving.
- 4.2.6 Summary of Representations:
- Recognise the need for new houses with the least impact possible on the environment.
  - Request regard is had to the plight of the Swift, with Swift Bricks incorporated.
  - Dangerous area due to sink holes.
  - Unclear how sewage works would cope.
  - A404 has bad traffic.
  - Schools, doctors, parking are all full.
  - Chorleywood is an excellent place to live and lack of development of smaller properties means that younger people are unable to move into the area, leading to an aging demographic.
  - Cost of properties means those who grow up in Chorleywood cannot afford to buy in Chorleywood – so judicious development is necessary to enable young people to buy in Chorleywood and reduce the age profile.
  - Only in favour of development which enables young people to buy in Chorleywood – one and two bedroom flats, maisonettes, some family housing and little or no executive style housing.
  - Would want affordable housing built first.
  - Request developer make contribution toward community development which accords with local demand – play park.
  - Request weight is given to consideration of the strain that such large developments would place on all surrounding infrastructure and amenities.

#### 4.2.7 Summary of Objections:

##### IMPACT ON GREEN BELT AND AONB

- Development is proposed on Green Belt land and is in an AONB and will hugely adversely affect the local environment.
- Proposed density is out of character and in contrast to the existing homes in Chorleywood.
- Views from the common currently of farmland would be ruined.
- Green Belt should not be destroyed.

##### HIGHWAYS IMPACTS

- Most roads into Chorleywood are single track and could not cope with the extra traffic.
- Parking in Chorleywood is already very difficult at times.
- The underground station car park already cannot cope with demand.
- During construction, this route for hundreds of children will be made more dangerous by the construction vehicles and new residents.
- The bottom of Green Street is a pinch point at the three way junction and safety here would be compromised.

##### INFRASTRUCTURE

- Maple Cross Sewage Works is already under pressure and cannot take the additional sewage.
- Additional water demands will all pressure to already stretched systems.
- The existing schools cannot cope with the influx of so many children
- Doctors' surgeries are already struggling to cope with the patients they have.
- Trains would be full to the brim as they are already very busy.

##### IMPACT ON NEIGHBOURS

- Adverse effect on local neighbours
- Loss of existing views from neighbouring properties.
- Increase of noise and light pollution.

##### ENVIRONMENTAL IMPACTS

- Disproportionate to bolt houses onto the edge of Chorleywood in a location of outstanding natural beauty packed with wildlife like deer, birds of prey and protected newts.
- Proposal would result in a loss of wildlife habitat, flora and fauna.
- Unclear how flooding would be dealt with.

##### OTHER

- Residents have chosen to live in Chorleywood because it is beautiful and semi-rural.
- Proposal does not fit with the look and feel of the area, which includes several conservation areas.
- Development is too big, will overshadow the existing community.
- Mix of housing types does not fit in with Chorleywood's general housing type.
- Proposal would lower local existing property values.
- Proposal will bring zero benefit to the existing community.
- Chorleywood is a classic Metroland village. The development would change the fabric and nature of the village.
- Brownfield sites must be given priority.
- Proposal would have an excessive carbon footprint.
- No additional social amenities are included in the plans.

#### 4.2.8 Responses were also received from the following local organisations/groups. The summarised responses are provided at Appendix 2 of this report.



Chorleywood Golf Club	10.1	Support
Chenies Parish Council	10.2	Object
Campaign to Protect Rural England, Hertfordshire	10.3	Object
The Chiltern Society	10.4	Object
Little Chalfont Parish Council	10.5	Object

## **5 Reason for Delay**

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

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

### **6.1 Legislation**

- 6.1.1 Planning applications must be determined in accordance with the statutory development plan unless material considerations indicate otherwise as required by S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).
- 6.1.2 S72(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.1.3 S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed buildings or its their settings or any features of special architectural or historic interest which they may possess when considering the determination of planning applications.
- 6.1.4 The Countryside and Rights of Way Act 2000: S.85 'General duty of public bodies etc.'
- '(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'
- 6.1.5 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 6.1.6 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 are of relevance.
- 6.1.7 The Community Infrastructure Levy Regulations 2010

### **6.2 Three Rivers District Council's statutory Development Plan**

- 6.2.1 The planning merits of the application have been assessed against the policies of the development plan, namely, the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013), the Site Allocations Local Development Document (adopted November 2014) and the Chorleywood Neighbourhood Plan (adopted 2021) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.
- 6.2.2 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2 (Development in Key Centres), CP1 (Overarching Policy on Sustainable Development), CP2 (Housing Supply), CP3 (Housing Mix and Density), CP4 (Affordable Housing), CP8 (Infrastructure and Planning Obligations), CP9 (Green Infrastructure), CP10 (Transport and Travel), CP11 (Green Belt) and CP12 (Design of Development).

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

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

### 6.3 Other Considerations

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

In 2021 the National Planning Policy Framework (NPPF) was updated and may be read along with the National Planning Practice Guidance (NPPG) as relevant government planning guidance. As is recognised in the NPPF<sup>47</sup>, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF and NPPG are 'material considerations' relevant to planning decision making. The NPPF also states that "existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework" (NPPF Annex 1: 219).

Sections of the NPPF relevant to the consideration of this application include:

- 2 – Achieving sustainable development
- 5 – Delivering a sufficient supply of homes
- 9 – Promoting sustainable transport
- 13 – Protecting Green Belt land
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

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

6.3.3 Chilterns Building Design Guide 2010.

6.3.4 Chorleywood Common Conservation Area Appraisal (2010).

6.3.5 The Three Rivers District Council Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

## **7 Planning Analysis**

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

7.1.1 The application site is located within the Metropolitan Green Belt. Core Strategy Policy CP11 sets out that the Council will maintain the general extent of the Green Belt in the District and will encourage appropriate positive use of the Green Belt and measures to improve environmental quality. There will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Development Management Policy DM2 notes that "as set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below". Relevant to this current application is a) New Buildings, which states "Within the Green Belt, except in very

special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance". Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the NPPF are not materially different between the two. It is considered, accordingly, that Policy DM2 is in accordance with the NPPF and may be afforded full weight.

- 7.1.2 The NPPF at para 137 states "the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". Para 138 states that Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.1.3 Para 140 states that "Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans". While this application does not seek to alter Green Belt boundaries, it proposes housing development within the Metropolitan Green Belt.
- 7.1.4 Paragraph 147 states that "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Para 148 states "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".
- 7.1.5 Para 149 states "A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are as follows:
- a) buildings for agriculture and forestry;
  - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - e) limited infilling in villages;
  - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
  - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
    - not have a greater impact on the openness of the Green Belt than the existing development; or
    - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority".
- 7.1.6 Paragraph 150 states that "Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.1.7 This application, submitted in outline form, proposes the construction of a residential development, involving the construction of a substantial number of new buildings, car parking areas, roadways, lighting and hard and soft landscaping works including tree removals. These works are not considered to fall within any of the exceptions to inappropriate development listed at NPPF Para 149a-g.

7.1.8 In respect of paragraph 150, the proposed development does not fall into any of categories a, c, d or f. As regards categories b and e, whilst the proposed development involves considerable engineering operations and a material change of use, these are directly associated with and contingent upon the construction of buildings and roads to form the development and are not to be undertaken for any other purpose. In any event, the proposed 300 houses and associated resultant land levels, and built form consequent upon the engineering works on the site and its proposed use, would not preserve openness and would conflict with the purposes of including land within the Green Belt contrary to NPPF 150.

#### Impact on the openness and visual amenities of the Green Belt

7.1.9 In *R. (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council* [2020] UKSC 3 the court held that the concept of openness referred to “the underlying aim of Green Belt policy...“to prevent urban sprawl by keeping land permanently open...and is also linked to the purposes to be served by the Green Belt...it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept.”

7.1.10 Whilst the application is submitted in outline, with all matters other than access reserved, it is clear that the 300 house development proposed would occupy part of a field which, other than an agricultural barn, is open agricultural land in countryside. Very limited information has been submitted relating to the potential design and appearance of a development on the site but having regard to the quantum of development that would be involved in 300 houses and associated infrastructure, it is evident that the development would not preserve the openness of the application site but would have an adverse impact on the openness of the Green Belt and on the spatial openness of the Green Belt caused by the built form and associated development proposed and its encroachment on countryside and the harm it would cause to the visual amenities of the Green Belt.

7.1.11 As part of its Evidence Base for the new Local Plan, Three Rivers District Council commissioned (jointly with Watford Borough Council) a Green Belt Review – Strategic Analysis (Amec Foster Wheeler, August 2017). The site subject of this application falls within land parcel NW2. When assessing the contribution of the parcel of land to the NPPF 138 purposes of the Green Belt, the review concluded that the parcel contributed in terms of checking unrestricted sprawl of built up areas, assisting in safeguarding the countryside from encroachment and preserving the setting and special character of historic towns. Overall, the land parcel is considered by the review to make a significant contribution to the Green Belt by reason of its function in helping to contain the northerly extent of Chorleywood and complementing land to the east which separates Chorleywood and Rickmansworth. A Stage 2 Green Belt assessment was prepared in October 2019, considering the extent to

which the release of different areas of land might affect their contribution to Green Belt purposes and assessing any consequential harm to openness. The land parcel containing the application site is identified as plot CW1 where release was considered to cause moderate to high harm.

7.1.12 Having regard to the above, it is considered that the proposed development would not preserve the openness of the Metropolitan Green Belt; nor would it fall within any of the exceptions in paragraph 149 or 150 of the NPPF. Furthermore, it would not fit within any exception set out in the statutory development plan. It would constitute inappropriate development contributing to urban sprawl and failing to safeguard the countryside from encroachment, in conflict with the purposes of Green Belt set out in NPPF 138. In addition to harm to Green Belt caused by virtue of its inappropriateness, the proposed development would also harm the spatial quality of the openness of the Green Belt and the visual amenities of this part of the Green Belt. The NPPF 147 is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.1.13 As noted above, paragraph 148 of the NPPF states that “Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”. Accordingly, before establishing whether a case for very special circumstances exists or not, it is necessary to assess the planning merits of the proposed development to understand whether it would give rise to ‘any other harm’ to interests of acknowledged planning importance.

## 7.2 Principle of Development - Impact on the Chilterns Area of Outstanding Natural Beauty and the surrounding landscape

7.2.1 The application site is located wholly within the Chilterns Area of Outstanding Natural Beauty. Policy DM7 of the Development Management Policies LDD states:

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

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

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

7.2.3 At paragraph 176 the NPPF states:

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

7.2.4 At paragraph 177 the NPPF states:

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

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

- 7.2.5 Footnote 60 notes that in respect of paragraph 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
- 7.2.6 Therefore, it is necessary to establish whether the development subject of this application is major development having regard to footnote 60. This application proposes development on a previously undeveloped green field and Green Belt site; and whilst access is the only matter for consideration, the development would of necessity include buildings, access roads, formal and informal amenity spaces and other infrastructure to support the 300 houses. On this understanding, it is considered as a matter of planning judgement that the nature and scale of this development, in addition to its location on an undeveloped site in countryside in the AONB, is a major development. Therefore the requirements of Paragraph 177 of the NPPF are required to be met in full.
- 7.2.7 Whilst submitted in outline, the quantum of the development (ie 300 houses with necessary infrastructure) is clear and indicative layout drawings have been provided to show how the development might be laid out.
- 7.2.8 Chapter 13 of the ES refers to Landscape and Visual impacts. It contends that during construction, the only significant effects on landscape character will relate to the site itself and its immediate setting, with construction having a major adverse effect on the character of the area, and a significant moderate adverse effect on the landform of the site due to localised cut and fill to accommodate the new roads and houses. It suggests that at 15 years after completion, when proposed planting would have matured, the only significant direct landscape effects would be within the site. The change from improved grassland to an area of housing and associated open space is considered to have a moderate adverse effect on the current rural landscape character of the area. The claimed benefits are also explained, including the introduction of 3.61ha of open space including new hedgerows and woodland species around all of the site boundaries resulting in a moderate beneficial effect on woodland and hedgerow vegetation within the site. The proposals would also result in moderate beneficial effect on pedestrian movement and access through an area currently inaccessible to the public.
- 7.2.9 The Chilterns Conservation Board (CCB) have been consulted in respect of the impacts on the AONB and their response is summarised at paragraph 9.1.3 below. They raise objections to the proposal on the basis that they consider the proposal would neither conserve nor enhance the natural beauty of the Chilterns AONB. Natural England have also provided comments on the proposal and in respect of the submitted LVIA at 9.1.21 and raise objection on the basis that the proposal will have a significant impact on the purposes of designation of the Chilterns AONB. They also consider that the submitted LVIA has not assessed the special qualities of the AONB. The LPA has also sought independent advice from a consultant in respect of the applicant’s Landscape and Visual Impact Assessment and the site layout within the illustrative masterplan, and their comments are at paragraph 9.1.26. They raise a number of concerns in respect of the methodology for undertaking the

LVIA and consider there would be significant adverse long-term permanent landscape and visual effects.

- 7.2.10 From the above, it is clear that there are a number of concerns regarding the adverse impacts of the proposed development on countryside in the Chilterns AONB. Whilst acknowledging that the site is on the outer edge of the AONB, and also acknowledging the smaller land parcel this site occupies when compared to the application site (20/0882/OUT), it is nevertheless a matter of fact that the site is within the AONB, and the parcel of land exhibits characteristics of the AONB, specifically the rolling dipslope landscape character. In 2019 Three Rivers District Council commissioned Place Services to undertake a landscape sensitivity assessment for sites that had been proposed at that time for inclusion within the new local plan. The larger site, of which the current application site forms a part of, was assessed as site PCS4 and considered to have a High landscape sensitivity. The assessment states “Although the site has little complexity and historic character, the location of the site within the Chiltern Hills AONB increases the sensitivity of the site. The rolling grassland hills and pasture land are characteristic of both the Heronsgate Heights LCA and Chiltern Hills AONB and this is in addition to open private views from the residential houses and school. For this reason, East of Green Street has been classed as having “High sensitivity to built development”. The proposed development would introduce intrusive major development into the AONB. The built form, along with infrastructure, planting, and access, would fundamentally change the character and appearance of the site and how it is perceived from part of a rolling field to an urban extension to Chorleywood, and it is considered that this would fail to conserve and enhance the special landscape character and distinctiveness of the AONB. The proposed development would be visible from within the AONB and from outside the AONB, and it would detract from the setting of the AONB and have an adverse impact on views into and out of the area. Having regard to the public visibility of the application site including from public footpaths in the area, and the change to the landscape that would result from the proposal, it is considered that the development would seriously detract from the public enjoyment of the AONB landscape. For these reasons the proposed development is not considered to accord with Policy DM7 of the local plan, or Policy 8 of the Chorleywood Neighbourhood Plan.
- 7.2.11 It is acknowledged that the NPPF 177 states that permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest; and sets out criteria against which applications should be assessed.
- 7.2.12 In respect of the need for the development, in terms of national considerations and economic impacts, it is acknowledged that the delivery of houses in the District is a material consideration to which significant weight must attach. The LPA currently is not able to demonstrate a 5 year supply of deliverable housing sites and the proposed development would provide housing which would go towards meeting the need for housing. The construction phase of the development would bring about economic benefits in respect of the employment of those people and businesses involved in construction, and the occupation phase would mean an increased local population able to make use of the services and facilities in Chorleywood. These considerations together carry weight and would not be delivered were planning permission to be refused. However, there is no substantial evidence of net detriment to the local economy in that event.
- 7.2.13 In respect of the cost of, and scope for, developing outside the designated area or meeting the need for it in some other way, the applicant has addressed this matter within their planning statement and highlights that 77% of the District is Green Belt and, 6% AONB. The applicant suggests that for development to meet the housing needs of Chorleywood, it needs to be delivered in/at the settlement edge as it cannot be delivered elsewhere. The applicant makes reference to the call-for-sites exercise and subsequent consultation in 2018 which included, in terms of larger sites, one brownfield site at Chorleywood Station Car Park capable of providing 115-185 dwellings. The 2023 regulation 18 consultation includes one larger site in Chorleywood at Hill Farm, Stag Lane which may be capable of

delivering 228 dwellings. However other large sites are put forward in the local plan, as evidenced in Regulation 18 consultation documents, including sites with an indicative capacity of 780 houses on land south of M25 and Shepherds Lane, 618 houses on land at Batchworth Park golf course and 1500 houses on land to the west and south of Maple Cross. These promoted sites are some evidence that there is scope for developing housing in the District outside the AONB.

7.2.14 In respect of any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated, the introduction of built form relating to 300 houses and all the necessary infrastructure would result in irreversible change to the landscape of the application site and its immediate surroundings. Whilst it is noted from the illustrative masterplan that soft landscaping may be used to screen or filter views of the development site from Green Street and the immediate surroundings, and that a large open rural field would remain to the north of the site, these features would be of limited ameliorative effect given the size and topography of the site and that the development could not be wholly screened from views. Even if it were possible to hide the site, this would not negate the adverse impact of the development on the landscape. The landscaping proposed to act as a screen in itself would not reflect the character of the landscape in this area or the wider the AONB. Thus, it is not considered that the detrimental effect on the AONB landscape could be sufficiently moderated given that the site has a high sensitivity to built development. In respect of the environment, the proposed development seeks to achieve biodiversity net gain and an energy efficient form of development but these benefits associated with the development itself are not considered to outweigh its likely adverse landscape impacts. Recreational opportunities would be provided within the site which do not currently exist, in terms of connectivity through the site, new play areas, and the provision of open space around the SUDS features. However these only exist as a result of the proposed development and are not considered to mitigate its adverse landscape impacts. Furthermore the site is very close to Chorleywood Common which is a large open space available for recreational purposes. Views from existing public rights of way would be materially changed from views of countryside to views of an artificial landscaped housing estate as a result of the development. There are also concerns that should the development of this smaller land parcel proceed, it would result in an erosion of the qualities of the landscape, resulting in the potential for piecemeal additional development to take place over time which would cumulatively result in further damage to the landscape of the AONB.

7.2.15 In summary, the NPPF 176 is clear that great weight should be given to conserving and enhancing landscape and scenic beauty in...Areas of Outstanding Natural Beauty, and that permission should be refused for major development other than in exception circumstances and where it can be demonstrated that the development is in the public interest. From the analysis above, and having regard to the consultation responses as referenced above and summarised at Appendix 1, it is not considered that there are exceptional circumstances that would justify the proposed development being appropriate. Furthermore, whilst the importance of delivering housing is acknowledged, it is not considered that doing so on an undeveloped AONB site, particularly having regard to the site's other constraints, would be in the public interest.

7.2.16 On this basis, the proposed development is considered contrary to Policy DM7 of the Development Management Policies LDD, Policy 8 of the Chorleywood Neighbourhood Development Plan, and paragraphs 176 and 177 of the NPPF.

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

7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness



of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

- 7.3.2 Policy 2 of the Chorleywood Neighbourhood Development Plan requires all developments to demonstrate how they are in keeping with and where possible enhance the special characteristics of Chorleywood. All development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design. The Chorleywood Neighbourhood Development Plan states that "the Parish's key feature is its 'rural feel'" and that "however you enter or leave the Parish you cannot fail to appreciate the 'rural character' Chorleywood has".
- 7.3.3 This application is submitted in outline, with only matters of access for detailed consideration. An illustrative parameter plan has been submitted which indicates a maximum building height of 12.5m (ie 3 storeys) for buildings running parallel to Green Street, and through the centre of the site, either side of the existing dip in the landscape which is to be used to contain SUDS, Green Infrastructure and Open Space. All other buildings would be up to 10m (ie 2.5 storeys).
- 7.3.4 The provision of a new vehicular access would detract from the character and appearance of Green Street, introducing an urbanising feature in the road that currently has the characteristics of a rural lane. Formation of access points would result in the loss of some vegetation. However, it is noted that replacement planting and enhancements to existing landscaping could be sought at the reserved matters stage. The development would include the introduction of new bus stops with flag and shelter.
- 7.3.5 As noted within 7.2 above, the final design of the proposed development would be an essential consideration, with the LPA placing great importance on any development having regard to the important characteristics, features and design context of the Chilterns AONB. This application does not consider Appearance or Layout (which are reserved for consideration at a later date). However it is clear from the council's Landscape consultant (para 9.1.26) that there are concerns in respect of the illustrative layout submitted with the application and with the quality of the development in design terms. For example, they identify that this scheme clearly appears as a cut out/first phase of a larger development and misses opportunities to link with public footpaths to the north. The layout is a dense suburban type whereas it should respond to the rural edge vernacular. These concerns would need to be addressed as part of any future application to demonstrate the potential for a development that does respect the surrounding area.

#### 7.4 Affordable Housing and Housing mix

- 7.4.1 Core Strategy Policy CP4 states that in order to increase the provision of affordable homes in the district and meet local housing need, the council will seek an overall provision of around 45% of all new housing as affordable housing, incorporating a mix of tenures. All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing. As a guide, 70% of affordable housing would be social rented and 30% intermediate.
- 7.4.2 For a major planning application such as this, it would be expected that all affordable housing is provided on site. This is reflected in Policy CP4 and the Affordable Housing SPD.
- 7.4.3 On 24 May 2021 the Government published a Written Ministerial Statement to set out plans for the delivery of First Homes. Following this, TRDC has set out a Policy Position Statement on First Homes. First Homes are a specific kind of discounted market sale housing which must be discounted by a minimum of 30% against the market value, sold to a person meeting First Homes criteria and have a restriction to ensure this. Given the First Homes

guidance, TRDC will now require 25% of affordable housing to be First Homes, 70% to be social rented and 5% to be intermediate.

- 7.4.4 Therefore, the development of 300 houses would be expected to make an affordable housing contribution of 135 houses, of which 34 would be First Homes, 95 would be Social Rent and 6 intermediate. The affordable housing provision must be secured at the outline stage.
- 7.4.5 The submitted Planning Statement sets out that the development would seek to deliver 45% of the development (i.e. up to 135 houses) as affordable housing, meeting the 25%/70%/5% tenure split set out above.
- 7.4.6 In respect of housing mix, the 2020 Local Housing Needs Assessment suggests the highest need for three bedroom market houses, two bedroom affordable home ownership houses and 1 bedroom social/affordable rented houses. The indicative housing mix at table 4 of the 2021 Town Planning and Affordable Housing Statement Addendum suggests 45% of market housing would be three bedroom, with a fairly even split of 30%-35% of one/two/three bed units for affordable housing. The final details of this can be secured by planning condition for future agreement, to ensure the council's needs are met. Regard must also be had to Policy 4 of the Chorleywood Neighbourhood Development Plan which requires dwellings suitable for elderly/disabled persons or smaller dwellings suitable for first time buyers/downsizers to be provided.
- 7.4.7 The affordable housing contribution has not been secured by planning obligation. Accordingly, the proposed development fails to comply with Core Strategy Policy CP4.

## 7.5 Impact of proposal on heritage assets

- 7.5.1 Strategic Objective S10 of the Core Strategy is "To conserve and enhance the historic environment by resisting the loss of, or damage to, heritage assets including important buildings". Core Strategy Policy CP12 states that "in seeking a high standard of design, the Council will expect all development proposals to conserve and enhance natural and heritage assets".
- 7.5.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
- "In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 7.5.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
- "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
- 7.5.4 Paragraph 195 of the NPPF advises that:
- "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

7.5.5 Paragraphs 199 and 200 of the NPPF state that:

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

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

7.5.6 Paragraph 202 of the NPPF advises that:

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

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

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

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

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

7.5.11 Impact on the setting of the Chorleywood Common Conservation Area

7.5.12 Chorleywood Common was designated a conservation area in 1976 and was designated for its historic and architectural interest (which originates from the open rural nature of the Common and the integration of the built form surrounding it). Historically the common has been used for grazing land used by the commoners for the exercise of their common rights of pasture and to harvest wood. The existence of trees and scrub land contrasts strongly with the appearance of the Common in past centuries when the area would have been free of such greenery. The character appraisal notes “The built form located along the fringes of the Common is considered to be subservient to the vast expanse of the Common, thus, maintaining the open and rural character of the Conservation Area”. The appraisal sets out that “the overwhelming character of the Chorleywood Common Conservation Area is rural, centring around an open common”. It states that “To the west of the Common again the variations in land levels create an interesting feature within the Conservation Area. The layout of the dwellings, by Old Common Road and their varying heights relate to the topography of the land level creating an interesting landscape as viewed from the common”. The appraisal states “views within, into and out of the Common and surrounding areas can add to the character and appearance of the conservation area. It is important that these views are maintained and not disturbed by inappropriate forms of development”.

- 7.5.13 DM Policy DM3 states that “permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views into or out of that Conservation Area”.
- 7.5.14 The Cultural Heritage chapter of the submitted ES suggests that the proposed development is located away from the historic core of the conservation area and is separated from the core of the western section of the conservation area by intervening built form and a border of dense mature hedgerows and trees. It explains that the immediate setting of the conservation area contributes to its significance by reinforcing its status as an area of rural, industrial and agricultural related buildings. It states that the site as existing makes a low to moderate contribution to the significance of the conservation area, and makes reference to the proposed use of landscaping to mitigate the potential impacts on the conservation area. It states that the proposed development of modestly scaled and appropriately designed buildings on the site will have a minor impact upon the setting of the conservation area. Taking this into account, it states the sensitivity of the conservation area is high, and the magnitude of change would be medium, meaning there is likely to be a permanent, long term effect on the conservation area which is of minor significance and adverse nature, equivalent to a low degree of less than substantial harm to the heritage asset.
- 7.5.15 The LPA’s conservation officer (comments at 9.1.23) has commented that the proposal would result in less than substantial harm to the significance of the Chorleywood Common Conservation Area through the loss of its open, agrarian landscape setting. They also identify an adverse impact on views from the eastern side of the Common in the Conservation Area looking north-west toward the site. Whilst the application site does not occupy the entire area of the field, when viewed from the conservation area the existing glimpsed views would be generally toward parts of the field that do form part of the application site, and would therefore be of housing development. Whilst the viewing distance is acknowledged as being some 300 metres, the application site nevertheless currently provides an attractive, characteristic backdrop to the views from the conservation area and the views provide an appreciation of the historic landscape setting of the conservation area. View 10 (figure 13.21 and 13.22 of the ES) demonstrates how open views of the landscape would be lost and this, along with the urbanising effect to the setting from the development of housing, the change of use, the light spill and movement of people will all detract from the setting of the conservation area. It is considered that the proposal would result in less than substantial harm to the conservation area and the conservation officer qualifies this as being a low to medium level. On this basis, the proposal would conflict with Policy DM3 of the Development Management Policies LDD and Policy 1 of the Chorleywood Neighbourhood Development Plan.
- 7.5.16 Impact on the setting of the adjacent Listed Buildings
- 7.5.17 There are a number of listed buildings close to the site, but no listed buildings directly adjoin the site. To the north of the site fronting Green Street are the Grade II listed Great Greenstreet Farmhouse and two Grade II listed barns.
- 7.5.18 The Cultural Heritage chapter of the submitted ES suggests that the site’s current contribution to the significance of these listed buildings is low. It suggests that there is likely to be a permanent long term effect on the Great Greenstreet Farmhouse and barns of minor significance and suggests the design of the proposed development would provide mitigation. The Conservation Officer considers the proposal would not harm the significance of the adjacent listed buildings, given the immediate setting of the listed buildings would be unchanged, their distance from the site and the intervening open land south of Stubbs Farm. On the strength of this advice the impact of the development on listed buildings is not considered a material consideration warranting refusal of the application.
- 7.5.19 Impact on Archaeology

- 7.5.20 In respect of Archaeology the submitted Cultural Heritage chapter suggests that archaeological survival across the site is anticipated to be low to moderate, with localised survival likely to be confined to features cut into the underlying natural geology. The submitted Historic Environment assessment confirms construction impacts would entirely remove any surviving archaeological remains. Archaeological mitigation would be in the form of a programme of intrusive archaeological investigation, following an agreed Written Scheme of Investigation.
- 7.5.21 The County Archaeological advisor comments on this point within their consultation response (9.1.8) and requests trial trenching be undertaken prior to any decision being taken, given that the geophysical survey report notes anomalies which may represent heritage assets. Trenching would enable them to assess the significance of any assets and also review other areas that are blank. This information would also allow an informed design for the masterplan which appropriately considers the historic environment.
- 7.5.22 The applicant's position, as set out in the submitted Town Planning and Affordable Housing Addendum, is that following the detailed gradiometer survey it is unlikely that any archaeological remains would be of high significance and therefore any archaeological works should take place prior to development commencing and not prior to a decision being issued on the application. This would work include a programme of trial trenching to identify the nature and extent of archaeological material within the area.
- 7.5.23 It is concluded on the strength of the available evidence that archaeological interests likely to be affected by the carrying out and use of the development can be satisfactorily protected by a pre-commencement planning condition.
- 7.5.24 Heritage Conclusions and public benefits
- 7.5.25 The NPPF 199 says that 'great weight' should be given to the conservation of heritage assets and that: 'This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.' The assessment above has identified that less than substantial harm would result to the setting of the Chorleywood Common Conservation Area. It follows that great weight should be given to the less than substantial harm caused to the Conservation Area. The NPPF says that this harm should be weighed against the public benefits of the proposed development. The public benefits put forward by the applicant are noted above and include housing supply, provision of public open space and the use of the development to fund sporting and community facilities. The proposal would result in irreversible harm to the conservation area's setting.
- 7.5.26 In conclusion, it is not considered that public benefits exist to outweigh the less than substantial harm that has been identified to the conservation area. The proposed development, accordingly, is considered to be contrary to Policy DM3 of the Development Management Policies LDD (2013) and the 2021 NPPF (Chapter 16).
- 7.6 Highways Impacts
- 7.6.1 Core Strategy Policy CP10 'Transport and Travel' states that Development proposals will be expected to contribute to the delivery of transport and travel measures identified as necessary for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision for interchange and access by public transport, walking and cycling will be regarded as particularly important. The policy explains that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District.
- 7.6.2 CP10 states that Development will need to demonstrate that it provides a safe and adequate means of access, is appropriate in scale to the existing transport infrastructure and where necessary infrastructure can be improved. It is necessary for the impact of the proposal on transport to be fully assessed through a comprehensive Transport Assessment.

- 7.6.3 The NPPF at para 110 sets out that in assessing specific applications for development it should be ensured that
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
  - b) safe and suitable access to the site can be achieved for all users;*
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 7.6.4 Paragraph 111 states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 7.6.5 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.
- 7.6.6 Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Development will need to demonstrate that:
- i) It provides a safe and adequate means of access*
  - j) It is appropriate in scale to the existing infrastructure...*
  - k) It is integrated with the wider network of transport routes...*
  - l) It makes adequate provision for all users...*
  - m) It includes where appropriate, provision for public transport either within the scheme or through contributions*
  - n) The impact of the proposal on transport has been fully assessed...*
  - o) The proposal is accompanied by a draft Green Travel Plan*
- 7.6.7 Policy 10 of the Chorleywood Neighbourhood Development Plan requires developments of 10 or more dwellings to provide satisfactory information and proportionate evidence which demonstrates that the development is or could be practicably made accessible to Chorleywood station and environs around Lower Road by safe pedestrian and cycle routes. Policy 15 states that existing public rights of way and means of public access will be protected and where possible enhanced by any development.
- 7.6.8 This application includes a number of proposed highways works and as explained above, whilst the application is submitted in Outline form, matters of access are for full consideration as part of the application. The impact of the proposed highway works are to be assessed by Hertfordshire County Council as the Local Highway Authority (LHA), and National Highways as the Highway Authority for the strategic road network.
- 7.6.9 This application would include the following works to the highway:
- Formation of emergency only access point to the site from Green Street south of the existing cattle barn.
  - Formation of main vehicular access to the site from Green Street north of the junction with Orchard Drive
  - Alterations to Green Street to provide right turn lane for vehicles travelling from Chorleywood to enter the site.
  - Alterations to the junction with Orchard Drive to provide revised pedestrian crossing arrangement.

- Widening of footway along Green Street to 4m from the northernmost access to the site down to Orchard Drive, with the footway to be 3m south of this, and provided as a footway/cycleway.
- Additional bus stops introduced on Green Street close to site entrance.
- Provision of tactile paving and wider footway at Gilliat's Green.
- Renewal of highway markings of existing pedestrian crossings at junction of Green Street/Station Approach
- Provision of new parallel crossing north of Green Street service roads.
- Contribution toward additional cycle parking at Chorleywood Station and an additional gate.

- 7.6.10 The submitted information has been reviewed by Hertfordshire County Council as Local Highway Authority (para 9.1.10), National Highways (Para 9.1.18), and Transport for London (9.1.31).
- 7.6.11 In respect of sustainability, the LHA note the various sustainable travel mitigation measures as listed above, which are designed to improve walking and cycling routes between the application site and the centre of Chorleywood. They note that connectivity from the site toward the north is poor, and consider improvements within the applicant's land that can facilitate new links to St Clement Danes School and footpath Chorleywood 011 are important and should be addressed at master-planning stage. Overall, the enhancements to Green Street are considered by the LHA to be acceptable in principle with regard to walking routes.
- 7.6.12 In respect of cycling, the submission includes an upgrade of the existing footway provision to a shared footway/cycleway on Green Street but includes no analysis in respect of whether a shared use path would be suitable having regard to the potential flows of pedestrians and cycle users. In respect of public rights of way, HCC recommend upgrades to existing public footpaths and require further information in respect of other routes around the site and links to the common. These can be secured by planning condition.
- 7.6.13 In respect of trips to and from the site, the submitted transport assessment suggests 106 two-way movements in the morning peak and 158 in the evening peak to/from the site. The applicant has undertaken additional work in respect of the proposed visibility splays, to demonstrate that these would be appropriate having regard to the geometry of Green Street and the actual speeds of vehicles using Green Street, and HCC have confirmed the access arrangements are acceptable.
- 7.6.14 In relation to public transport, HCC acknowledge the comments made by Transport for London (noted below) and the intention to provide additional cycle parking at Chorleywood Station which is welcomed.
- 7.6.15 Hertfordshire County Council raise no objections to the proposed development, subject to a number of conditions. They note that connectivity in terms of walking, cycling and public transport needs careful consideration given the poor existing infrastructure and the character of the surrounding semi-rural area. They note that Green Street is currently subject to a 60mph speed limit and the proposal does little to promote an active frontage on its boundary with Green Street in terms of enhancing surveillance and pulling northwards the suburban character of the southern section of Green Street.
- 7.6.16 HCC note the applicant's focus on routes toward Chorleywood railway station and the main village centre, and consider that connectivity to amenities to the north of the site is poor and should be reviewed, with improvements within the applicant's land to facilitate new links to St Clement Danes school and along Footpath 011 to be significant. HCC consider the enhancements to Green Street to be acceptable in principle, including the new zebra crossing and repainting existing. Whilst the improvements and alterations to rights of way are noted, HCC request a Rights of Way Improvement Plan to be submitted to enable agreement to be reached on the full extent of alterations to rights of way.

- 7.6.17 In relation to bus routes, HCC note that some parts of the site would be over 400m walk to the proposed bus stops on Green Street. It is noted that HCC preference is for all houses to be within 400m walking distance, and they suggest the masterplan should be redesigned to introduce more direct pedestrian and cycle routes to the bus stops. HCC consider that for a development of this size, prospective residents should have access to a bus service and consider that this may be possible through diverting and/or enhancing existing bus routes to bring them through the site, which may include the R1 and R2 services, which serve Chorleywood. HCC seek £175,000/year for five years to provide this service. In addition, HCC seek a contribution of £77,900 toward bus vouchers, in order to encourage the use of public transport from the outset of the development.
- 7.6.18 In conclusion, HCC confirm they are satisfied that the impact on the local highway network for the development may be accommodated in vehicular capacity terms. They consider further work would be necessary to the masterplan to improve pedestrian links to and from the site, and to bring public transport to the site. The design of the walking and cycling route alongside Green Street will require refining. Overall, HCC does not wish to restrict the grant of outline planning permission, subject to conditions and S106.
- 7.6.19 National Highways raise no objections to the proposed development, subject to conditions.
- 7.6.20 Transport for London originally requested improvements to walking and cycling infrastructure to the station from the site to accommodate increased trips, and increased cycle parking at the station. They also requested an assessment of line loading and station capacity. Following receipt of additional information and technical notes, TfL note that the applicant has accepted the need to provide funding to enable an additional gate to be installed at Chorleywood Station, and note the proposed cycle parking at the station and improvements to access routes from the site and the station. Subject to the costs of the entrance gate being secured by S106, TfL have no objections.
- 7.6.21 Having regard to the above analysis of highway impacts and subject to conditions and S.106 undertakings, no objections are raised in respect of the impacts of the proposed development on the highway or highway safety and the development would comply with Core Strategy Policy CP10 and Chorleywood Neighbourhood Plan Policies 10 and 15.

## 7.7 Vehicle Parking

- 7.7.1 Development Management Policy DM13 requires development to make provision for parking in accordance with the parking standards.
- 7.7.2 As previously noted, this application is submitted in outline with matters of access only for consideration. The site's layout would be considered at a later date as a reserved matter and the proposed car parking layout and provision would be dealt with at that time. Having regard to the number of dwellings proposed on site, it is acknowledged that a significant number of car parking spaces would be required (at least 494 allocated spaces). It is considered that the quantum of spaces could be accommodated within the site, however it will be important to ensure that this space is carefully designed having regard to the sensitivities of the location of the site.

## 7.8 Impact on amenity of neighbouring occupiers

- 7.8.1 Paragraph 130 of the NPPF advises that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.8.2 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities.



7.8.3 The application is submitted in outline, with only matters of access for consideration. However, the application is accompanied by an illustrative masterplan which suggests a form of development where a significant buffer distance could be maintained between the rear gardens of properties fronting Orchard Drive and Woodlands Lane, and the houses within the development site. It is concluded that the protection of neighbouring amenities could be satisfactorily addressed at the reserved matters stage.

## 7.9 Pollution – Air Quality

7.9.1 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

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

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

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

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

- Have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or
- Be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.

7.9.4 The Environmental Statement includes a Chapter on Air Quality, informed by an air quality assessment. This shows that with the baseline pollutant concentrations and proposed traffic generation onto the existing road network, the impact of new vehicle emissions from the proposed development would be negligible. Mitigation measures could be used to reduce impacts at the construction phase. The Environmental Health officer has agreed with the conclusions and recommends conditions be attached to any approval to secure mitigation measures during the construction phase.

## 7.10 Pollution – Noise and vibration

7.10.1 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

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

7.10.2 Policy DM9 sets out that planning permission will not be granted for development has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing

or planned development, has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation.

- 7.10.3 The Environmental Statement includes a chapter on noise and vibration impacts and potential mitigation. The report explains the baseline sound environment was considered to be typical of a semi-rural environment, comprising road traffic movements, middle distance road traffic and aircraft noise, with some sound from grazing livestock and the railway. The report considers the reduction in traffic speed on Green Street resulting in a lower basic noise level. Construction noise levels are predicted to have a minor impact and these would be temporary, with some mitigation possible which may be secured by condition. The occupation phase of the proposed development is not anticipated to generate harmful noise levels to neighbours. Similarly, the proposed houses are expected to have suitable glazing and ventilation specification to ensure they would provide a suitable noise environment for occupants. On this basis, there is no objection raised to the development in respect of noise and vibration.

#### 7.11 Pollution – Light

- 7.11.1 Policy DM9 sets out that development proposals which include external lighting should ensure that proposed lighting schemes are the minimum required for public safety and security, that there is no unacceptable impact on neighbouring or nearby properties or the surrounding countryside or wildlife.
- 7.11.2 Chapter 13 of the Environmental Statement reviews the landscape and visual impacts, including lighting and suggests the proposals would not have significant night time impacts. Full details of any lighting attached to buildings and street lighting would be considered as part of a future reserved matters application, and at that time a full lighting specification would be required. Having regard to the rural location of the application site, it is considered that the lighting of the proposed development would be out of keeping with and harmful to the existing character of the application site in countryside, in the AONB and in the Green Belt.

#### 7.12 Pollution – Land Contamination

- 7.12.1 Policy DM9 states that the Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated where the Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land, and there will be no adverse impact on the quality of local ground water or surface water quality.
- 7.12.2 The application is accompanied by a preliminary contamination risk assessment which indicates a low risk of contamination. However, further investigations are recommended and the Environmental Health officer has recommended further site investigations be secured by condition. Subject to those investigations being secured by condition, there are no material concerns in respect of the development regarding contamination.

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

- 7.13.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the conservation and enhancement of biodiversity. This objective is reinforced by regulation 3(4) of the Habitat Regulations 1994 which states that Councils must have regard to the strict protection of certain species identified under the EC Habitats Directive.
- 7.13.2 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by:

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

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

- 7.13.3 Footnote 58 states “Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”.
- 7.13.4 Paragraph 179 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should: *b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*
- 7.13.5 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”. Policy CP9 of the Core Strategy (adopted October 2011) advises that; “The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces”.
- 7.13.6 Policy DM6 of the Development Management Policies LDD advises that development should result in no net loss of biodiversity value across the District as a whole.
- 7.13.7 The Environment Act will mandate the requirement for Biodiversity Net Gain (BNG). However mandatory BNG as provided for in the Environment Act will apply by amending the Town and Country Planning Act, and at the time of writing this has not yet happened (it is expected from November 2023). The requirement for 10% BNG is, therefore, not yet enshrined in planning law.
- 7.13.8 The applicant has submitted an Agricultural Land Classification which concludes the land is Grade 3B land which is not considered best and most versatile land.
- 7.13.9 In respect of biodiversity, the submission included Biodiversity Net Gain calculations based on the Defra Metric 2.0 which show a 22% habitat unit gain and a 53% hedgerow unit net gain. The existing site is improved grassland with compacted soil and considered to be of low intrinsic ecological value. More recently, a revised metric was submitted in December 2022 which set out that the proposal would deliver a 14.9% increase in habitat units and 135% increase in hedgerow units.
- 7.13.10 Herts Ecology’s consultation responses are at 9.1.17 where no in-principal objections are raised but further information is required, in particular in relation to the biodiversity net gain assessment which is considered to lack sufficient detail to allow it to be relied upon. Their position remains that further information is required, and it is considered that, at this time insufficient information has been submitted to demonstrate that the proposal would enhance biodiversity in accordance with Policy DM6. The proposal therefore fails to accord with Policy DM6 of the Development Management Policies LDD.
- 7.13.11 In relation to the submitted ecological reports, proposals to safeguard the Local Nature Reserve, and the landscape strategy, these are considered adequate by Herts Ecology subject to conditions requiring the provision of further details. The application proposes enhancements including establishing a dedicated wildlife area in the south of the site, with minimal lighting. A landscape and ecological management plan would be produced setting out how the areas of habitat would be established and managed. Homeowners will be provided with details of the local designated wildlife sites and how to preserve their value. Bat and bird boxes would be installed throughout the site, and fencing would include

hedgehog gaps. The measures would be assessed in full as part of the consideration of any future management plan.

#### 7.14 Impact on trees and landscaping

- 7.14.1 As previously noted, this application is submitted in outline with landscaping a reserved matter. Nevertheless, the application has been submitted with an illustrative landscape strategy.
- 7.14.2 Development Management Policy DM6 notes that proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible. It also notes that planning permission will be refused for any development resulting in the loss or deterioration to protected woodland, protected trees, and hedgerows unless conditions can be imposed to secure their protection. It states that where the felling of a tree or hedgerow is permitted, a replacement tree or hedge of an appropriate species, size and in a suitable location will be required.
- 7.14.3 The Tree and Landscape Officer notes that the site has relatively few constraints posed from existing trees, as most are located off site and around the edges of the site. Concerns have been raised at the potential loss of six moderate quality trees along the western boundary to form the proposed access and objections raised to the proposed tree removals. The Town Planning and Affordable Housing Statement Addendum explains that to enable to proposed access points, two category C trees and four category B trees are to be felled. A range of mitigation measures are proposed to offset the loss, as well as detailed tree protection measures to be used to safeguard retained trees. The illustrative masterplan indicates the potential for substantial planting throughout the site, and this would be considered as part of a landscaping reserved matter.
- 7.14.4 The loss of existing trees would not comply with the requirements of Development Management Policy DM6 which requires development proposals to retain trees and other important landscape and nature conservation features. However, it is necessary to have regard to Policy DM6(ii) which states that Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible. The tree loss is proposed to facilitate vehicular access to the site. The affected trees are not protected by TPO. Any future proposal would include the need to submit a landscaping scheme and the site has the potential to accommodate substantial planting. On this basis, subject to replacement planting the loss of trees is considered not to warrant a ground of refusal.

#### 7.15 Energy Use

- 7.15.1 Paragraph 152 of the NPPF states that “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.
- 7.15.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.15.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a

combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon as at 2023 and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

- 7.15.4 The application is accompanied by an Energy and Sustainability Statement. This sets out that the proposed development has the potential to deliver a 24% improvement in CO2 emissions over Building Regulations requirements. As this application does not seek approval for the appearance of the proposed buildings, it is anticipated that any future Reserved Matters submission would provide full details of the energy efficiency of the proposed buildings and demonstrate their ability to comply with Policy DM4.

#### 7.16 Flood Risk and Drainage

- 7.16.1 Policy CP1 requires all development in Three Rivers to contribute to the sustainability of the District, by minimising flood risk through the use of Sustainable Drainage Systems. Policy DM8 refers to Flood Risk and Water Resources, and states that development will only be permitted where it would not be subject to unacceptable risk of flooding. It also states that Development in all areas should include Sustainable Drainage Systems to reduce surface water runoff.
- 7.16.2 The application has been accompanied by a Flood Risk Assessment and this was originally been reviewed by the Lead Local Flood Authority, who raised concerns with the overall drainage strategy at the site as originally proposed. Following receipt of those comments, alterations were made to the drainage strategy and a revised Flood Risk Assessment submitted. The drainage for the site involves surface water draining via a series of three ground-level attenuation basins, with an infiltration tank proposed in the south eastern corner of the site. The Lead Local Flood Authority (May 2022) nevertheless continued to object to the scheme (Comments at 9.1.11). They raised concerns about whether the presence of an underground storage tank is appropriate rather than a surface level basin. They also raised concerns regarding the interface between the SUDS features and existing surface water flow paths, and how those existing flow paths could compromise the surface water system. Further information was also requested regarding how existing flow paths are to be managed and the implications of this.
- 7.16.3 Following receipt of those comments, the LLFA wrote to the LPA to advise that due to resourcing issues, they were unable to provide any further comments. As a result, the LPA commissioned a drainage consultant to provide it with advice on drainage matters. The consultant provided further guidance (August 2022) to guide the applicant toward the production of a suitable drainage scheme. Further information was received in November 2022 and the council's drainage consultant maintains their position that at this time, a suitable drainage scheme which complies with Hertfordshire County Council's guidance has not been identified. The proposed development, accordingly, fails to adequately deal with the drainage of surface water from the site, along with existing surface water flow routes through the site, contrary to Policy DM8 of the Development Management Policies LDD.
- 7.16.4 The application site is located within Flood Risk Zone 1 (ie lowest risk of fluvial flooding). The Environment Agency have advised that the application falls below their risk bar as there are no environmental constraints.
- 7.16.5 Affinity Water have advised that the proposed development site is located within an Environment Agency defined Source Protection Zone 2, and have recommended that conditions be attached in the event planning permission is granted to protect the public water supply. Those conditions include construction works and operation of the site being undertaken in accordance with the relevant British Standards, excavations below the chalk

ground water table being avoided without a ground investigation first being undertaken and appropriate methods used, mitigation used to avoid turbidity, and any contamination remediated.

- 7.16.6 Thames Water have confirmed that they are working with the applicant to deliver the off-site foul water infrastructure needs to serve the development. Some capacity exists within the existing network but upgrades would be required and work is ongoing to understand this. Thames Water recommend a condition that no more than 60 houses can be occupied until all foul water network upgrades have been completed. Thames Water comment that the scale of the proposed development would not materially affect the sewer network. The matter of reserving drainage issues to a planning condition was recently considered in a planning appeal (APP/L3815/W/22/3291160) for a residential development in West Sussex where it was confirmed that the waste water organisation is a statutory undertaker with an obligation to provide the necessary network reinforcements and upgrades downstream of the practical point of connection to the foul sewer network imposed under S94 of the Water Industry Act 1991. Paragraph 188 of the NPPF states:

*“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively”.*

- 7.16.7 For these reasons, it is considered that the waste water matter can reasonably be dealt with by planning condition. Thames Water have recommended a ‘pre-occupation’ condition, and this ensures that no dwelling may be occupied until the necessary upgrades have been completed or a phasing plan agreed to allow occupation based on the capacity that exists at that time.

## 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 application is submitted in outline, with details of layout reserved for later consideration. At that stage, compliance with DM10 in respect of domestic waste would be assessed.

- 7.17.3 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.

- 7.17.4 HCC would therefore require a Site Waste Management Plan (SWMP) to be submitted which should aim to reduce the amount of waste produced on site. HCC note the submitted Outline Solid Waste Management Strategy which states a SWMP would be prepared, along with a Construction Traffic Management Plan and Construction Environmental Management Plan, and that overall the strategy provides a good base for the production of a SWMP which should be secured by condition.

- 7.17.5 In relation to minerals, the site falls just outside the 'Sand and Gravel Belt' as identified in HCC's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire.
- 7.17.6 The county council, as the Minerals Planning Authority, encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources.
- 7.17.7 No objections are raised by HCC in respect of minerals and waste.
- 7.18 Infrastructure Contributions
- 7.18.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) Charging Schedule sets out that the charge per sq.m of residential development in this area is £180.
- 7.18.2 In their initial consultation response, Transport for London (TfL) commented that pre-covid, all fast trains between 07:15 and 08:19 left Chorleywood station full and standing. They commented that they would have expected an assessment of line loading and station capacity to be carried out, as station capacity is restricted by the entrance gates. Following receipt of those comments, the applicant has undertaken further assessments and confirmed their understanding that due to the existing shortage of one access gate at Chorleywood station, there is a requirement for the proposed development to fund an additional access gate to accommodate the additional rail trips generated. Transport for London have requested a financial contribution be secured of £500,000 to enable an additional gate to be installed at Chorleywood Station. This would enable the development to mitigate its impacts in terms of the additional demand at Chorleywood Station, and encourage the use of sustainable means of transport. On this analysis, it is considered that the contribution, which the applicant has agreed to in principle, is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.
- 7.18.3 In their consultation responses at 9.1.13, Hertfordshire County Council advise on the impact of the proposed development on education facilities in the area. HCC has a duty to ensure that there are sufficient school places to meet the needs of the population now and in the future. Where there is insufficient capacity in local schools, planning obligations will be sought. On larger scale developments, the provision of land and build costs for on-site school is normally required. The response at 9.1.13.2 (dated August 2022) is the latest advice note to TRDC, in which HCC note that having recently reviewed primary school provision in Chorleywood, HCC's education planning team consider that no new primary school site would be required if this application were to be delivered within the proposed timescale, based also on their understanding that there are no further significant development proposals currently being considered by TRDC in Chorleywood. They advise that the modelled primary school child yield is likely to be accommodated locally at existing schools. On the basis of above, infrastructure contributions to mitigate against the impacts of the proposed development on education facilities are not necessary for this scheme.
- 7.18.4 Hertfordshire County Council as Highway Authority are seeking a contribution of £175,000 per year for a period of five years to enable bus service R1 and R2 to be diverted/extended to serve the development site. HCC advise that it is of key importance to provide such a bus service that can route into the site in order to demonstrate compliance with the Local Transport Plan. The site's position on the periphery of Chorleywood makes it important to ensure bus provision is made, as walking via Green Street or Common Road, particularly at night, may not be attractive to some resulting in additional car trips being made.

- 7.18.5 HCC also seek a contribution of £77,900 toward the provision of bus vouchers in order to encourage the use of public transport from the outset of the development. It would provide vouchers that can be used for three months. They also seek a contribution of £6,000 for an Evaluation and Support Fee relating to the necessary Full Travel Plan which would incorporate measures to promote sustainable transport, an appointed travel plan coordinator, and a monitoring programme.
- 7.18.6 In addition to the financial contributions, there is a requirement to provide new bus stops with flag and shelter on Green Street, a 4m wide footway/cycleway down to Orchard Drive with 3m width beyond, a new zebra crossing on Green Street opposite No. 58, and repainting existing zebra crossing lines at the Green Street/Shire Lane/Station Approach junction. Those improvements would be secured by S278 agreement.
- 7.18.7 HCC have provided detailed comments justifying the need for these contributions to meet sustainable transport objectives and comply with the local transport plan. The LPA considers that the capital investment sought and the purposes for which it would be deployed meet the tests set out by Regulation 122 of the CIL Regulations (ie would be necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably related in scale and kind to the development).
- 7.18.8 The Herts Valleys Clinical Commissioning Group have requested £72,900 for East of England Ambulance Service NHS Trust, and £387,572.40 toward healthcare facilities in the area, plus £2,187.69 per dwelling for acute care, £201.38 per dwelling toward mental health care and £182.03 per dwelling toward community services. They have provided justification as to how those amounts would meet the CIL tests.
- 7.18.9 The contributions referred to above would be secured by S106 agreement if the development was otherwise to receive planning permission.

## 7.19 Referral to Secretary of State

- 7.19.1 The Town and Country Planning (Consultation) (England) Direction 2021 requires Local Planning Authorities to consult the Secretary of State before granting planning permission for certain types of development. These include inappropriate developments in the Green Belt that by reason of their scale or nature or location would have a significant impact on the openness of the Green Belt. In the event that it is concluded that the development subject of this application is acceptable although contrary to the Development Plan, or that very special circumstances exist which are considered to outweigh the harm to the Green Belt by inappropriateness and any other harm, it would be necessary for the LPA to consult the Secretary of State prior to a decision being issued. The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in an application under section 77 of the Town and Country Planning Act 1990. If a planning application is called in, the decision on whether or not to grant planning permission will be taken by the Secretary of State.

## 7.20 Do Very Special Circumstances exist to outweigh the harm to the Green Belt and any other harm?

- 7.20.1 As concluded above, the development is considered to constitute inappropriate development in the Green Belt which is by definition harmful to the Green Belt. It is therefore necessary to ascertain whether there are any very special circumstances that would clearly outweigh the harm that would be caused to the Green Belt by inappropriateness and the other harm to Green Belt resulting from the proposed development. 'Other harm' resulting from the proposed development that has been identified in this report is summarised below:

- Harm to the openness and visual amenities of the Green Belt, and conflict with the purposes of including land in the Green Belt,
- Harm to the Chilterns Area of Outstanding Natural Beauty,



- Less than Substantial Harm to the setting of a heritage asset,
- Failure to demonstrate the development would result in no loss of biodiversity value or would conserve or enhance biodiversity,
- Failure to provide a satisfactory drainage scheme,
- Failure to secure affordable housing contribution, financial contribution toward sustainable transport, and financial contribution toward health care services.

7.20.2 The applicant has suggested the following planning benefits from the scheme which are summarised and form their case for very special circumstances:

- That the site is the only site of sufficient scale to deliver the level of housing the District requires within walkable distance of a key transport hub. Chorleywood is one of the most sustainable settlements in the District. The site is 1.1km north of the village centre. The site is highly sustainable, close to village centre and public transport.
- That the site is on the urban fringe of Chorleywood and immediately adjoins residential development and the school and represents a clear and logical extension to the existing settlement of Chorleywood.
- There is a substantial housing need in the District. The council only has a 2-year supply of deliverable housing. Housing in the district is unaffordable. There is a shortfall of affordable housing in Chorleywood and Three Rivers. This application will provide up to 300 houses, 45% affordable.
- The proposal will guarantee delivery of new high quality sporting and community facilities for Chorleywood Common Youth Football Club at the golf course site opposite. A planning application has been lodged with Buckinghamshire Council for the pitches. The current development would through cross-subsidisation, allow the pitches to be given to the club on a long term peppercorn leasehold and would guarantee the delivery of a new permanent clubhouse facility for which planning permission has already been granted. The football club has a shortage of playing pitches. The development at the adjacent golf course would create a community sports hub. At the time of drafting this report, the application remains pending with Buckinghamshire Council.
- Chorleywood Golf Club would be granted a long term lease on the Chiltern Hills Golf Course at a peppercorn rent, through cross-subsidisation from the application proposals. The golf club has an aging membership and is finding it difficult to recruit new members. The Common offers a number of difficulties as a golf course including it is unsecure, is of poor quality with no irrigation, has car park congestion and no practice facilities.
- Masterplan provides more open space than required by TRDC and 0.4ha of play space would be included.
- There is a lack of alternative sites for major development in the district.
- The site does not perform well when assessed against the five purposes of Green Belts.
- There is insufficient brownfield land, demonstrated through the lack of alternative sites being identified by the applicant, and TRDC does not have scope to meet its housing needs without development on greenfield sites and given the nature of the District, greenfield land is mostly subject to higher planning policy protection such as Green Belt and AONB.

7.20.3 The new local plan is at the Regulation 18 consultation stage. A number of sites have been put forward as part of the local plan call for sites exercise which are considered to be comparable to the application site in respect of proximity to services and public transport, and ability to provide a large number of houses. For example site OSPF22 at Batchworth Park Golf Course house a potential dwelling capacity of 618, and is within 1.2km (straight line distance) of Rickmansworth Station and less than that to the Town Centre. Site CFS16 incorporates land at Chorleywood Station Car Park with a dwelling capacity of 190, and this is closer to the station and village centre than the application site. Site CFS26c West of Kings Langley Estate has the capacity for 893 houses and is adjacent to Kings Langley station, with CFS26e Kings Langley Estate South having a capacity of 380 dwellings, also close to Kings Langley station. On that basis, officers consider that the site is among a

number of sites of sufficient scale to deliver the level of housing the district requires within walkable distance of a key transport hub. It is acknowledged that the site does have the ability to deliver a substantial number of homes, but there is some evidence of other potential sites which, subject to the Local plan review, might deliver the same or more, which are just as accessible and sustainable, and are not within the AONB.

- 7.20.4 It is acknowledged that the site is directly adjacent to existing built form in Chorleywood in that it is adjacent to the rear gardens of properties fronting Orchard Drive. The land to the north and west is open, and the land to the east contains very low density housing. Therefore whilst the site is next to existing built form, it is not considered that the proposal would reflect that existing built form or therefore represent a logical extension of Chorleywood into countryside.
- 7.20.5 The District's housing land supply position is acknowledged, and at the time of writing stands at 1.9 years. The application, if granted, would enable the delivery of houses including affordable houses which are required in the District. However, the assessment above identifies that harm would result to the Green Belt, the AONB and the Conservation Area. In addition insufficient information has been made available in respect of the impacts of the development on ecology and drainage. And it is concluded, accordingly, that these harms would outweigh the benefits of the housing delivery.
- 7.20.6 The application makes reference to the proposed development delivering high quality sporting and community facilities for Chorleywood Common Youth Football Club. A planning application was lodged with Buckinghamshire Council prior to the application subject of this report being lodged, and that application remains under consideration, which limits the weight that may be attributed to the proposals for that site. The application includes the provision of a clubhouse for a temporary period of five years, which suggests a limited scope for any benefit. It is noted that reference is made to a clubhouse granted planning permission under then Chiltern District Council's reference CH/2017/2292/FA, and it is noted that clubhouse as approved includes pro-shop, bar area, changing facilities and a basement level buggy store. The planning permission includes a condition restricting the use of that clubhouse to use ancillary to the golf course, and therefore at this time, regardless of the timings of the approval (a clubhouse was approved in 2010 with the same restriction), the link between delivering a clubhouse which has historical consent and the current application is not clear; nor is the potential use of the club house given the apparent planning restrictions, which are contrary to the large number of proposed uses suggested in the applicant's Planning Statement. The provision of additional football pitches and a low rental is acknowledged to be a benefit to this scheme, but given the lack of clarity regarding what would be delivered at the adjacent site or its timing, and the lack of detail in respect of the problems with the current arrangement by the football club and how this is the only way they can be addressed, means limited weight is attached to the materiality of this consideration.
- 7.20.7 The submission makes reference to Chorleywood Golf Club being able to relocate to the adjacent golf course, again with a reduced rental rate. A number of 'difficulties' are put forward in respect of the existing golf course and some alluded to by the Golf Club in their supporting comment relating to the application. However, the precise nature of these and whether the proposed development is the only means to address them is unclear. Nor is whether the difficulties are directly impacting on the ability of the golf course to be used at the moment. No information has been made available as to what use the golf course part of the common would be put to, if any, should the club be relocated. Relocating the golf club is only given limited weight as the benefits and their delivery are not clear.
- 7.20.8 The provision of amounts of open space in excess of TRDC's requirement is welcomed and an agreed benefit of the scheme which would attract some weight, although it is noted that the precise design and location of those open spaces is not for consideration.

7.20.9 In respect of the site's performance against the purposes of the Green Belt, this matter is considered at length at section 7.1 above.

7.20.10 For the reasons set out above, it is not considered that the VSC the applicant has put forward are sufficient to outweigh the harm caused to the Green Belt, or the other harm which has been identified including harm to the AONB. The proposal accordingly remains adjudged inappropriate development in the Green Belt not clearly outweighed by other material planning considerations.

## 7.21 Tilted Balance and Conclusions

7.21.1 In relation to the three components of sustainable development, whilst the proposed economic benefits (both short term in respect of construction, and long terms in respect of expenditure of new residents) of the proposal are noted, along with the social benefits of providing housing including affordable housing, open space, and improvements to walking and cycling routes in the area, it is considered that these are outweighed by the environmental and social harm that would be caused to the Green Belt, AONB, heritage assets in addition to the lack of information to demonstrate an acceptable environmental impact in respect of drainage and biodiversity. Overall, the LPA conclude that the proposal would not comprise sustainable development.

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

For decision-taking this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

7.21.3 In respect of clause 11(d)(i) above, 'areas or assets of particular importance' include, in the context of the current scheme (footnote 7 of the NPPF), land designated as Green Belt, an Area of Outstanding Natural Beauty, and designated heritage assets. The assessment above has identified harm in respect of each of these policy constraints, with policies in the NPPF providing a clear reason for refusal such that the tilted balance exercise does not apply. For all these reasons the recommendation is that outline planning permission be refused.

## 8 **Recommendation**

8.1 That outline planning permission be refused for the following reasons:

### R1 Green Belt

The proposed development constitutes inappropriate development within the Green Belt which is by definition harmful to the Green Belt. In addition the development would also result in actual harm to the openness and visual amenities of the Green Belt and would conflict with the purposes of including land within the Green Belt. No Very Special Circumstances exist to clearly outweigh the harm that would be caused by the proposed development by virtue of its inappropriateness and other harm it would cause. The proposed development would therefore be contrary to Policy CP11 of the Core Strategy (adopted

October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and Section 13 of the 2021 NPPF.

## R2 AONB

The proposed development would appear as an urbanising and uncharacteristic development that would not conserve and enhance the Chilterns Area of Outstanding Natural Beauty, resulting in actual harm to the special landscape character and distinctiveness of the Chilterns Area of Outstanding Natural Beauty. The proposed development would therefore be contrary to Policy DM7 of the Development Management Policies LDD (adopted July 2013), Policy 8 of the Chorleywood Neighbourhood Plan (2020) and Section 15 of the 2021 NPPF.

## R3 Heritage Asset

The proposed development, by reasons of its form, scale and layout would detract from the overall rural character and appearance of the wider landscape and result in less than substantial harm to the setting and significance of the Chorleywood Common Conservation Area. The identified harm would not be outweighed by public benefits and the proposed development is therefore contrary to Policy CP1 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies DPD (adopted July 2013), Policy 1 of the Chorleywood Neighbourhood Development Plan (August 2020), the Chorleywood Common Conservation Area Appraisal (2010) and Section 16 of the NPPF (2021).

## R4 Biodiversity

The applicant has failed to demonstrate that the proposed development would not result in a net loss of biodiversity, and in the absence of a S106 agreement, compensation measures have not been secured to compensate for the loss of biodiversity which would be detrimental to the area. Consequently the proposal fails to conserve, enhance or restore biodiversity and this would be contrary to Policy DM6 of the Development Management Policies LDD (adopted 2013) and the 2021 NPPF Chapter 15.

## R5 Drainage

In the absence of an agreed drainage strategy that meets the requirements set out in the guidance published by the Lead Local Flood Authority, the Local Planning Authority is not satisfied that the development would be supported by an acceptable sustainable drainage strategy. The development is accordingly contrary to Policy DM8 of the Development Management Policies LDD (adopted October 2013) and NPPF (2021, Chapter 14).

## R6 Affordable Housing

In the absence of a signed agreement or undertaking under the provisions of S106 of the Town and Country Planning Act 1990 to secure an affordable housing contribution, the proposed development fails to comply with Policy CP4 of the Core Strategy (adopted October 2011).

## R7 Sustainable Travel Contribution

In the absence of a signed agreement or undertaking under the provisions of S106 of the Town and Country Planning Act 1990 to secure a contribution towards providing a bus service within the site and bus vouchers to future occupants, and to access improvements at Chorleywood Station, the proposed development fails to maximise sustainable travel options and ensure the development provide sufficient mitigation for its impacts on local infrastructure. The application therefore fails to meet the requirements of Policies CP1, CP8 and CP10 of the Core Strategy (adopted October 2011) and the NPPF (2021, Chapter 9).

## R8 Travel Plan

The proposal would generate a requirement for a Travel Plan and this would require monitoring to ensure effectiveness. In the absence of a signed agreement or undertaking

to provide for this monitoring under the provisions of Section 106 of Town and Country Planning Act 1990, the proposed development fails to maximise sustainable travel options and ensure the development provide sufficient mitigation for its impacts on local infrastructure and fails to meet the requirements of Policies CP1, CP8 and CP10 of the Core Strategy (adopted October 2011).

#### R9 Healthcare

In order to mitigate the impact the proposed development would have on existing health services, a financial contribution is required. In the absence of a signed agreement or undertaking under the provisions of S106 of the Town and Country Planning Act to secure this contribution, the proposed development would fail to mitigate its impact on health provision that the development would place extra pressure on and would be contrary to Policy CP8 of the Core Strategy (adopted October 2011).

## Appendix 1: Consultation Responses

[Officer Note 1: At the time the original consultation was issued, the 2019 NPPF was in effect. Therefore, NPPF references in the original consultation responses below relate to the 2019 document. Any more recent responses (which will include a date) are expected to refer to the 2021 NPPF]

[Officer Note 2: Where a consultation response does not include a date, it relates to the original consultation exercise in 2020 and no further comments have been received]

### 9.1.1 Affinity Water: [No objections subject to conditions]

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone 2 (SPZ2) corresponding to Mill End Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

If you are minded to approve the Application, it is essential that appropriate conditions are imposed to protect the public water supply, which would need to address the following points:

1. General: The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.
2. Ground investigation: Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.
3. Turbidity: Excavations are also likely to generate turbidity in the chalk aquifer, which could travel to the public water abstraction point and cause disruption to the service. Mitigation measures should be secured by way of condition to minimise this risk. We would also want to receive at least 15 days prior notification from the developer in advance of any such works, in order to intensify our monitoring and plan potential interruption of the service.
4. Contaminated land: Construction works may exacerbate any known or previously unidentified pollution. If any pollution is found at the site then works should cease and appropriate monitoring and remediation methods will need to be undertaken to avoid impacting the chalk aquifer.

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

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

Being within a water stressed area, we would encourage the developer to consider the wider water environment by incorporating water efficient features such as rainwater harvesting,

rainwater storage tanks, water butts and green roofs (as appropriate) within each dwelling/building.

9.1.2 Buckinghamshire Council: [No objection]

This Council has considered the above application and raises NO OBJECTION to the application subject to your authority ensuring that the proposal complies with all relevant policies contained in the adopted Development Plan and guidance contained in the National Planning Policy Framework.

9.1.2.1 Buckinghamshire Council (March 2022): [No objection]

This Council has considered the above application and raises NO OBJECTION to the application subject to your authority ensuring that the proposal complies with all relevant policies contained in the adopted Development Plan and guidance contained in the National Planning Policy Framework.

9.1.2.2 Buckinghamshire Council (May 2022): [No objection]

This Council has considered the above application and raises NO OBJECTION to the application subject to your authority ensuring that the proposal complies with all relevant policies contained in the adopted Development Plan and guidance contained in the National Planning Policy Framework.

9.1.3 Chilterns Conservation Board: [Objection]

Thank you for consulting the Chilterns Conservation Board (CCB) on the above applications. The application documents are detailed and the applicant comprehensively covers all of the relevant issues, as would be relevant to a Conservation Board. CCB was involved in the pre-application consultation for this site (by TRDC) and in the consultation over scoping of the (now submitted) Environmental Statement.

To assist the LPA we propose to consider both applications together, as they raise the same balancing of planning issues. CCB will confine itself to its statutory purpose (as established under section 87 of the CROW Act) and therefore to matters relevant to the AONB's special qualities and also to the economic and social well-being of the AONB and its understanding and promotion.

These representations were considered by and approved by the CCB Planning Committee at its meeting on 15th July 2020.

CCB raises objection on the principal ground that the application constitutes major development which harms the special qualities of the AONB, in this case the rolling dipslope landscape character that abuts the settlement of Chorleywood. The application papers avoid the central foundation of AONB protection, namely the conservation and enhancement of the scenic beauty and natural beauty of the Chilterns (CROW Act s 85 and NPPF 172) and focus entirely on the exceptions test in NPPF 172. Exceptional infers 'unusual' 'untypical'. This application is speculative development and the site is not being considered within the Local Plan process in any meaningful way. NPPF 172 (a) and (b) cannot be satisfied and NPPF 172 (c) 'moderation' of impact cannot be satisfied – 300 or 800 homes in the stead of integral Chilterns AONB landscape erodes completely the highly valued landscape that prevails here. We ask the LPA to give 'great weight' to the special qualities of the AONB and to challenge the 'minor adverse' landscape assessment as advanced. In the balancing of planning issues the tilted balance does not apply. Taking the conservation and enhancement duties on board, the harm to the AONB outweighs the benefits of housing delivery.

**CCB Summary**

The applicant, in essence, argue that the landscape harm is 'minor adverse' (see ES) and the development 'scarcely seen' (ES summary) whilst the housing benefits are manifest and include social housing. They apply the tilted balance (erroneously) on the assumption that no harm arises. This is illogical because their own ES concludes some harm – even if CCB dispute the level they calibrate. The applicant relies on the exceptions tests in the NPPF to justify housing. The site is not an allocation nor progressing via the Council's own site preferences, as far as can be ascertained in the information available.

CCB asserts that there are errors in this planning logic and that the planning authority will need to be clear on that because it strikes at the core of the planning balance in this case. In our opinion the following apply:

- i. That 'minor adverse' landscape assessment cannot be correct. The dipslope landscape is integral and a highly valued landscape. It is a part of the wider Chilterns dipslope landscape as identified as a special feature in the AONB Management Plan and the relevant landscape character area.
- ii. In the assessment of NPPF 172 exceptions at (a) and (b) the applicant's put forward an array of sites to justify their case, yet the speculative nature of this application seeks to pre-judge the outcomes of the Local Plan process. Whilst small sites can be identified in the AONB by means of the Local Plan process, none of the surrounding LPAs have sought to identify 300 or 800 dwellings in their current plan programmes. The Wycombe Local Plan (adopted August 2019) identifies a number of small sites (50 dwellings or so). The Chiltern & South Bucks Plan (awaiting examination) also identifies small sites, as does the South Oxfordshire Plan (currently at examination) and the early iterations of the Dacorum Local Plan indicate that no AONB sites will be identified. It is difficult to conceive that the architects of the NPPF 172 test (and in previous incarnations in planning policy statements) envisaged that 300 or 800 dwellings would constitute an exceptional case within the AONB.
- iii. The applicants acknowledge the importance of the Glover Review, as mentioned by CCB in its pre-application. They do not acknowledge the pressures placed on this particular AONB.
- iv. The tilted balance does not apply in the AONB. Paragraph 7.10 of the planning supporting statement asserts that it does. However, case law in *Monkhill v SSHCLG* 2019 (as below) makes the matter very clear. This judgment is clear that if a footnote 6 policy provides a clear reason for refusal under limb 11d (i), the assessment of titled balance in limb 11d (ii) is irrelevant and must not be applied. The harm to the AONB provides a clear reason for refusal on the merits of this case. The applicant's contention (their planning statement section 3) that the titled balance does apply would only be the case if no clear reason existed under limb 11(d) (i), which does not apply here. In any event their own ES authors conclude 'minor adverse' – which amounts to harm.
- v. Simply put, if the LPA identify harm to the AONB, and we contend they must, then the tilted balance cannot apply.
- vi. This is a Chilterns landscape. To propose development here harms that landscape. The applicants agent states that harm is localised, will not be seen and represents only 0.015% of the AONB misses the point that this landscape is a demonstrable part of the special qualities of this nationally protected landscape. When the applicants arrive at the planning balance they present the many advantages of a housing scheme but fail to give the necessary 'great weigh' to the conservation and enhancement of the AONB as required in the NPPF and in CROW. Instead they focus on the moderation or mitigation of harm as their starting point. This is to wrong starting point when approaching development within the AONB.

### **Landscape Assessment**

In summary of our review of the submitted papers and the published Hertfordshire Landscape Character Assessment (and allied Bucks Landscape Character Assessment for land to the west) and following a site visit, we have concluded that the site does enjoy



considerable features of special quality typical of the Chilterns AONB. CCB has assessed this application against the legal and policy tests in the CROW Act section 85, the NPPF at 172 (major developments test), the Development Plan at Policy DM7 Landscape Character of the Development Management Policies Local Development Document and the new AONB Management Plan 2019-24 (adopted Feb 2019). We have concluded that the development of some 300 or 800 dwellings cannot be considered to conserve the special qualities, as a minimum requirement, and most certainly does not enhance the dipslope landscape that is so evident here. In our judgment the reverse applies and the development, as countenanced in this application, positively harms the AONB and erodes a clear boundary between the urban area and the nationally protected landscape that surrounds. The urban area would encroach upon the AONB in a very discordant manner. The dipslope landform here is both rolling and undulating and when measured against the principal components of a landscape character assessment (i.e. visual and landscape character impacts) results in harm. This assessment is based on both a site assessment and a review of the applicant's own landscape and visual context assessment, which describes this site as a 'convex hillside plateau'.

Submitted viewpoints rather noticeably demonstrate this rolling and undulating impact. The fact that the site is partially well contained by mature hedgerows and screening to the west serves to reinforce the AONB qualities here and cannot be a justification for development, on the basis that the development proposed is screened from the wider countryside. This site is an integral part of the wider landscape.

### **Major Development and exceptional tests within AONB landscapes**

The concept masterplans for 300 and for 800 dwellings constitute major development within the AONB. Following the NPPF at 172, no such exceptional circumstances are advanced. The applicant's assert in the supporting planning statement that housing has been built within AONBs (planning statement – Table 5). We agree that AONB status is not a prohibition on development but serves to filter and shape that development to meet specific tests. Yet in the Chilterns, small sites are occasionally selected in the local plan process, not 300 and not 800 units. In any event those approvals in Table 5 would have pre-dated the additional guidance in the NPPF Feb 2019 and Planning Practice Guidance 21st July 2019 which updated preceding guidance and stated that "The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas." (Paragraph: 041 Reference ID: 8-041-20190721 and revision date: 21 07 2019).

### **The Glover Review**

We also place weight on the recent Glover Review (2019) into protected landscapes (DEFRA 2019 Landscapes Review - We want our national landscapes to work together with big ambitions so they are happier, healthier, greener, more beautiful and open to everyone. Final Report, chaired by Julian Glover). Glover at page 120 of the final report considered National Park status for the Chilterns and reported that 'We see very strong merit in this. Designation as a National Park should not be a block on growth in the wider region, but a natural counterpart to it. The aim should be to enhance natural beauty and nature in an area of high landscape value, while giving due recognition to the importance of the Chilterns for access and enjoyment'. The Chilterns AONB confronts many development pressures both within its boundaries and as affects its setting. CCB, from its own work, is aware of the increasing pressures on what is, by definition, a highly valued landscape. Its special qualities are eroded by the cumulative impact of development that, amongst other things, impacts on habitat, tranquillity and dark skies. From our experience the original AONB boundaries (1965 and reviewed in the 1980s) are very robust, being based on landscape character assessments and informed by the special qualities of the AONB. Those special

qualities are also now discussed in the current (Feb 2019) Management Plan 2019-2024. To give one prescient example we have recently seen an appeal decision in which a planning inspector dismissed but one dwelling within the AONB and commented with respect to the new Management plan and lighting that 'The Planning Practice Guidance refers to the relevance of management plans for AONBs for assessing planning applications. Whilst these do not form part of the development plan, they help to set out the strategic context for development and provide evidence of the value and special qualities of these areas. In this context, the Chilterns AONB Management Plan 2019-2024 (adopted July 2019) is a significant material consideration, particularly as its objectives and policies align with the aims of the Framework. Moreover I afford the document full weight, as it specifically refers to the location and the effects of small scale development within the AONB, including from domestic paraphernalia and lighting'. Planning appeal decision for one dwelling at Pirton Water Tower Appeal Ref: APP/X1925/W/19/3227185, 8th November 2019 (North Herts DC).

CCB's Commentary at Pre-Application. CCB would propose to comment as follows.

(1) The starting point in any assessment must be the consideration of the planning principle. In this case we recommend that the applicant comments upon this and with specific regard to the duty in the CROW Act at section 85, to Development Plan policy and to the NPPF at 172 (both the 'great weight' and major development tests). Unquestionably this is major development. Further, the applicant's professional team will want to comment on the updated Planning Practice Guidance here that 'the scale and extent of development in these areas should be limited'.

Further, they need to comment on and acknowledge the recent case law judgment in *Monkhill v SSHCLG* where the judge accepted that the 'tilted balance' does not apply in such a location (decision dated 24th July 2019 - legal reference 2019 EWHC 1993 Admin). The High Court clarified the interpretation of the NPPF paragraph 11 in AONBs. This judgment confirmed that NPPF paragraph 172 can give a clear reason to refuse planning permission such that the 'tilted balance' does not apply. The judgment confirms that:

- (a) Great weight to AONB qualifies as a policy to be applied under NPPF para 11d (i)
- (b) That NPPF paragraph 172 can be used as a freestanding reason for refusal in non-major as well as major development within an AONB and 4
- (c) If a footnote 6 policy provides a clear reason for refusal under limb 11d (i), the assessment of titled balance in limb 11d (ii) is irrelevant and must not be applied.

In our own summary of this legal case, should harm result to the AONB then the 'tilted balance' does not apply and points as to housing supply are not given elevated weight in the consideration of planning issues.

(2) The applicant's professional team need to incorporate in their assessment reflection on the approach as adopted in the Guidance for Landscape and Visual Impact Assessments (GLVIA) (3rd edition), principally to comment on the visual impacts and the landscape character impacts. Whilst we appreciate that this is a pre-application and that a full LVIA would not be expected, it is important to address both these matters. The submitted landscape and visual report contains some errors, for example at its 2.3 it states that this is a convex hillside plateau and therefore development does 'not have a significant adverse effect on the setting of the AONB or views in and out of the area'. This is to misunderstand the policy mechanisms that apply. We disagree with other points here (for example, 2.8 – that there would be no adverse effect on any features or area designated for their landscape or visual amenity value and 6.6 – a logical extension of Maple Cross). As submitted these points represent broad judgments without any detailed landscape evidence base. Further, the viewpoint analysis, whilst helpful in itself, shows features of special character as commonly found in a dipslope landscape. The applicant's implicitly accept this point by creating a large green space to the south east parcel of the site (also see viewpoints 9 and 10) to avoid development. This decision must be, in part, informed by the landscape character, which is typical of the wider Chilterns area and is not the subject of any real commentary. A site visit illustrates this.

(3) The AONB Review paper at its 1.3 sets out relevant papers and material considerations. The 2019-2024 Management Plan is now adopted. It reports the dip slope location of the site and the rolling landscape here that envelopes the settlement (3.10). It accurately reports the Chilterns Buildings Design Guide's summary point that development must be in harmony with the landscape. We agree with the reporting of policy issues at Table 3.2: Relevant Landscape and Design Policies relating to the Chilterns Area of Outstanding Natural Beauty, save for the elevated status of the new Management Plan. We know that the applicant's will now be aware of that. The section 4 assessment is desk based and must be informed by a full LVIA, albeit we have commented above that the impact on special qualities is tangible. The table 4.1 assessment as to 'no effect' or 'negligible effect' is, as is acknowledged, desk based and is not based on a GLVIA approach. The LPA will, no doubt, want to corroborate any LVIA findings with their own independent peer review, nevertheless the assessment in table 4.1 should be given very limited weight in this pre-application submission. The conclusions drawn in paragraphs 4.2 and 4.4 (no significant adverse effects) cannot be drawn from the assessment that precedes it. The section 5 assessment of theoretical visibility argues that this site is largely visually disconnected from the wider Chilterns landscape and views are glimpsed from various vantage points. This is incorrect. As dealt with above, this is a desk based assessment but its usefulness is limited in any landscape planning assessment because the impact on the special character is the key issue. This section does acknowledge the downland character that prevails and the strong hedgerow containment to the west. It reports that (5.18) 'Whilst the site consists of three agricultural fields within a rolling landscape, it does not exhibit some of the more distinctive Chilterns features and as such does not obviously mark the edge of the AONB'. We see this as more of a planning based opinion/judgment than one informed by a landscape character assessment. Section 6 deals with other application sites outside the Chilterns. We repeat the points made in Glover as to the pressures facing the Chilterns AONB. We also make the point that the 2019 NPPF and associated PPG revisions reinforce the Government's view that only 'small scale' development should be considered within an AONB, subject to the legal and policy tests as below. In the concluding section the principal point made is that development here will not be greatly visible and is well contained. We revert to our original point as to special character and the fundamental tests in NPPF 172, which this application cannot satisfy.

(4) Reference to potential sites for consultation document. These two sites at DCS4 at East Green Street (largely this site) and at Heronsgate are discussed. This document is an early stage scoping and sifting ahead of the new Local Plan to 2036 and must carry very little weight in the consideration of the current application. The applicant's need to qualify the weight that may be attributed to such documents.

## **Legislation and Policy**

### **Scope and Interest of the Chilterns Conservation Board (CCB)**

The Chilterns Conservation Board was established as an independent body by Parliamentary Order in July 2004 and has 27 members, all drawn from local communities. The Board's purposes are stated in section 87 of the Countryside and Rights of Way Act 2000 (CROW Act), as:

*s 87 (1) It is the duty of a conservation board, in the exercise of their functions, to have regard to: (a) the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and (b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty, but if it appears to the Board that there is a conflict between those purposes, they are to attach greater weight to the purposes mentioned in paragraph (a).*

*s87 (2) A conservation board, while having regard to the purposes mentioned in subsection (1) shall seek to foster the economic and social well-being of local communities within the area of outstanding natural beauty, but without incurring*

*significant expenditure in doing so, and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of outstanding natural beauty’.*

### **Policy and Legal Tests within an AONB**

Section 85 (1) of the Countryside and Rights of Way Act 2000 (CROW Act) deals with decision-making and establishes a general duty that ‘In exercising or performing any function in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty’. The National Planning Policy Framework (NPPF) at 172 establishes a duty that ‘Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty’.

Recently updated planning practice guidance (issued 21st July 2019) states that “The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas.” (Paragraph: 041 Reference ID: 8-041-20190721 and revision date: 21 07 2019).

Policy DM7 Landscape Character of the Local Plan Development Management Policies Local Development Document deals with the AONB where it states, a) Chiltern’s Area of Outstanding Natural Beauty - In considering proposals for development within or near the Chilterns Area of Outstanding Natural Beauty, the Council will support development unless the proposal would:

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

The new 2019-24 Management Plan was adopted in July 2019 and advances 3 strategic objectives when considering development,

DO1 Ensure planning decisions put the conservation and enhancement of the AONB first.

DO2 Ensure that where development happens, it leaves the AONB better than it was before – richer in wildlife, quieter, darker at night, designed to have a low impact on the environment, and beautiful to look at and enjoy.

DO3 Embrace opportunities to restore natural beauty on sites currently degraded by unsympathetic development, infrastructure or dereliction.

A number detailed policies apply here and as:

DP1 Ensure planning decisions take full account of the importance of conserving and enhancing the natural beauty of the AONB and the great weight given to its protection in the NPPF.

DP2 provides the framework for assessment of applications of this magnitude and states, Reject development in the AONB unless it meets the following criteria: a. it is a use appropriate to its location, b. it is appropriate to local landscape character, c. it supports local distinctiveness, d. it respects heritage and historic landscapes, e. it enhances natural beauty, f. ecological and environmental impacts are acceptable, g. there are no detrimental impacts on chalk streams, h. there is no harm to tranquillity

through the generation of noise, motion and light that spoil quiet enjoyment or disturb wildlife, and i. there are no negative cumulative effects, including when considered with other plans and proposals. 7

DP3 Refuse planning permission for major development in the AONB unless there are exceptional circumstances and where there is a clear demonstration it is in the public interest.

DP5 Require a Landscape and Visual Impact Assessment that meets the standards in the GLVIA latest edition for developments in the AONB or affecting its setting.

DP7 Only support development that is of the highest standards of design that respects the natural beauty of the Chilterns, the traditional character of Chilterns vernacular buildings, and reinforces a sense of place and local distinctiveness. Require a Design and Access Statement to accompany every application, explaining how it complies with the Chilterns Buildings Design Guide [www.chilternsaonb.org/conservation-board/planningdevelopment/buildings-design-guidance](http://www.chilternsaonb.org/conservation-board/planningdevelopment/buildings-design-guidance)

DP8 Keep skies dark at night by only using light where and when needed. All new lighting should be the minimum required and meet or exceed guidance for intrinsically dark zones. Avoid architectural designs that spill light out of large areas of glazing.

DP10 Make sure that all development that is permitted in the AONB or affecting its setting delivers a net gain for the Chilterns by a. on-site improvements for biodiversity, landscape, the rights of way network, AONB visitor facilities, and/or b. financial contributions, secured through s1065, CIL, or offsetting schemes, towards wider green infrastructure projects that enhance the AONB by meeting the aims of this AONB Management Plan.

DP15 Seek opportunities to remove or replace existing inappropriate external lighting to restore dark skies at night.

Planning Practice Guidance also states that 'Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area. As part of this, local planning authorities and neighbourhood planning bodies should have regard to management plans for National Parks and Areas of Outstanding Natural Beauty, as these documents underpin partnership working and delivery of designation objectives. The management plans highlight the value and special qualities of these designations to society and show communities and partners how their activity contributes to protected landscape purposes'. (PPG section - Does planning need to take account of management plans for National Parks and Areas of Outstanding Natural Beauty? Paragraph: 004 Reference ID: 8-004-20140306, Revision date: 06 03 2014).

The Herts and Bucks Landscape Character Assessments are relevant. Within the Herts study this site is within the Heronsgate Heights in which the topography is described as 'the plateau is a gently undulating area forming part of the Chilterns dip slope. Slopes rise from the adjacent Maple Cross slopes. At Artichoke Dell there is a steep-sided wooded valley running through to Chorleywood near Chorleywood Common'. The site abuts the Bucks Landscape Character Assessment LCA 18.3) Little Chalfont Rolling Farmland and is contiguous with that landscape. The landscape character here is described as 'Landscape Character: An undulating and rolling landscape with a varied geology of exposed Upper Chalk, Clay and Flints capping and Thames River Terrace deposits. Large fields of arable farmland and rough grazing occur in the north of the area with smaller fields of paddock, pasture and rough grassland in the south. Field boundaries are predominantly hedgerows with some post and wire. Woodland is interspersed throughout with some large blocks of ancient woodland in the south and east (Pollards Wood and Newland Gorse). Woodland contains the area, provides enclosure, biodiversity value and a backdrop to views'

The special qualities of the AONB are numerous. In this case it is the gently undulating diplope landscape that itself dramatically abuts the suburban edge. That suburban edge, in part, contains small portions of ribbon development, some of which is historic and a part of the Metroland development of the inter-war period. This relationship affords the AONB beyond a particular status in its rolling and defined landscape quality and a contrast,

together with views across and wooded backdrops and defined tree belts and hedgerows/semi-sunken roads.

In conclusion, the Board considers that, because the development is considered to neither conserve nor enhance the natural beauty of Chilterns AONB, it would have detrimental impacts on users of the AONB, it is contrary to planning and other policy and there are no overriding circumstances that would warrant a departure. We have concluded it would harm the special qualities at what is a sensitive boundary between semi (peri) urban and the AONB landscape beyond. That landscape is clearly linked to the Bucks Landscape Character Assessment as it links towards Little Chalfont. A material erosion of the dipslope landscape here would result and we find that positively harmful.

The Chilterns AONB is nationally protected as one of the finest areas of countryside in the UK. Public bodies and statutory undertakers have a statutory duty of regard to the purpose of conserving and enhancing the natural beauty of the AONB (Section 85 of CroW Act).

#### 9.1.3.1 Chilterns Conservation Board: [January 2022 response: Objection]

The CCB is grateful to comment on the additional information submitted. For ease of reference, we set out below our previous objection, dated 16th July 2020. As before, we would confine ourselves to the duties and responsibilities of a conservation board, as set out in section 87 of the CROW Act 2000. We do not, therefore, comment on green belt matters but we note that the appeal decisions now cited are all green belt cases and not AONB cases.

The CCB proposes two brief additional comments/clarifications on the Town Planning and AH statement. The landscape response appendix is a detailed rebuttal document and we do not propose to reply to this line by line, save for one overarching point.

#### **Town Planning and AH Statement / Response to Landscape & Visual Consultee Comments.**

The key issue is the conservation and enhancement of the special qualities of the AONB. That is enshrined in the CROW Act 2000 at section 85 (duty of regard), the NPPF at 177, in the Development Plan and in the AONB Management Plan. No doubt all parties to this application can agree that an AONB landscape enjoys a greatly elevated level of legal and policy protection because, since its establishment in 1965, the Chilterns is rightly identified as a nationally protected landscape and thus one that is highly valued in its landscape quality. The Glover Review (2019) and the Government's recent reply (January 2022) acknowledge this and promote an extension, not diminution, of the Chilterns AONB boundary.

The applicants accept that harm will follow (5.6 of the updated town planning statement). The question is, therefore, does the proposal harm the special qualities and would exceptional circumstances justify development under the NPPF? To these questions we say 'yes' it materially harms the dipslope landscape and the defensible urban / AONB edge and 'no' exceptional circumstances do not exist because the test at NPPF 177 (c) cannot be satisfied, i.e. a detrimental effect on the environment and the landscape which cannot be moderated or mitigated. The applicants landscape rebuttal at its 2.5 crystallises their case, that 'In summary, the site, with its semi-improved grassland and post and wire fencing and the Chilterns Golf Course to the west, feels more like forms part of transition zone between the town and the AONB rather than a clear boundary'. We strongly contest this. This site is not part of a 'transition zone', not that such a concept exists in AONB policy. It is, upon reflection and following a site visit, a clearly functional part of the AONB landscape. We would ask the decision-maker to give 'great weight' to the dipslope landscape character, which is an intrinsic part of the AONB in this location. It forms a clear boundary and the landscape edge is sylvan and verdant, with defined hedgerows and an open aspect. It is, in no way, a transition to the wider AONB.

### **Town Planning and AH Statement Paragraph 4.16 and Table 8**

Paragraph 4.16 and Table 8 deals with major development within the AONB, following the NPPF test. We can only comment on the Chilterns AONB and two cases are mentioned.

The land at Stokenchurch is within the AONB, it is part of an original curtilage that includes the existing industrial use, which is to be extended into the AONB. This was put forward and given scrutiny at the Wycombe Local Plan examination (2018) and subsequently adopted into the plan. The M40 motorway abuts the site.

The land at Dacorum is not within the AONB. This is the Icknield Way, West of Tring allocation in the Dacorum Site allocations DPD. This allocation, (which is LA5 in the site allocation DPD, places all development in its eastern parcel (outside the AONB) and the open western section (which is AONB) is not developed. The AONB boundary divides these two parcels and the consent granted by Dacorum in Oct 2019 for 226 dwellings places all of them outside the AONB.

This point of detail constitutes an erratum to the Town Planning Statement. Indeed, in that application the CCB promoted design amendments on the AONB boundary and these were taken on board by the design team.

It is correct to say that development can take place within AONBs, exceptionally, and the subject of an assessment upon the special qualities of the AONB. The Oxford English Dictionary defines exceptional as, 'Of the nature of or forming an exception; out of the ordinary course, unusual, special'. The NPPF 177 test rightly qualifies the grounds of exceptional, including the consequential landscape impact. This application manifestly fails these tests.

The 1932 edition of 'Metro-Land' (Metropolitan Railway/John Murray Publishers) described Chorleywood and Chenies as standing 'at the gateway of the Chiltern Hills'. 33 years later in 1965 the creation of the AONB boundary formally set in place its protection as a national landscape. This site is very clearly within the AONB and must be protected as such.

#### **9.1.4 Chorleywood Parish Council: [Objection]**

##### **1. Introduction**

This Statement has been prepared on behalf of Chorleywood Parish Council in objection to the proposed development at Land to the East of Green Street being considered under planning ref: 20/0882/OUT and 20/0898/OUT.

A Full Parish Council meeting took place at the Chorleywood Memorial Hall on Tuesday 14 July 2020 and Parish Councillors voted unanimously to call in both applications following the receipt of 135 of objections and 1 letter of support and representations from local residents. The reasons for calling in the application are as follows:

- The application is invalid as the red line plan is incorrect and appropriate notices have not been served on freeholders
- The proposal is inappropriate development within the Green Belt and conflicts with the purposes of the Green Belt
- The proposal fails to conserve or enhance the Area of Outstanding Natural Beauty
- The proposal would result in less than substantial harm to the historic setting and character of the Chorleywood Common Conservation Area
- The proposed density for this location is high which will be detrimental to the character and setting of the surrounding area
- The applicant fails to provide any good and convenience stores within the development that would support future residents and in turn will result in car parking

pressure and conflict in movement between pedestrians, cyclist and vehicle users on Lower Road

- The proposal would result in the loss of a valued landscape
- The proposal would result in a highway impact
- Insufficient information has been provided to fully assess the highway impact
- The applicant relies on the creation of a cycle path on private freehold land that is unsuitable for cycling and is unlit
- The applicant seeks to provide a cycle path on Chorleywood Common whereby it is illegal to cycle
- The proposal fails to address the proposed impact on local infrastructure, particularly health services and schools
- The proposal would displace school places and health services available to existing residents resulting parts of the existing village becoming unsustainable, it fails to consider or address the impact of the development on existing residents
- The proposal is not Sustainable Development as defined within the National Planning Policy Framework
- The proposal would result in harm to the natural environment by virtue of the increase in human activity
- There are discrepancies and inconsistencies within the application submission which needs to be carefully considered by officers
- The limited benefits (housing) is short term and fails to outweigh all of the above

This Statement considers key material considerations for both applications in more detail. The Parish Council requests that it is consulted on any additional information received from the Applicant. The Parish Council reserves the right to make further comments on both applications in light of new information received from local residents, the Applicant or any other statutory consultees. The Parish Council requests that, for the reasons outlined within this Statement, both planning applications are refused.

## **2. Validity of the Application**

The national validation requirement states the red line plan should include all land necessary to carry out the proposed development which includes land required for access to the site from the public highway.

It has come to our attention that both of the applications under ref: 20/0882/OUT and 20/0898/OUT rely heavily on pedestrian and cycle links to Common Road and Rickmansworth Road. The existing footpaths are not cycle paths and are limited in use, narrow, unmade and ill-lit.

In order to deliver the cycle paths, the developer does not appear to have any rights to carry out work to the paths and in particular to the path that joins Rickmansworth Road (the freehold owner of which has not even been contacted by the developer).

The application is also invalid because the red line plan is incorrect as it does not mark out key access route to the site from the public highway. The Applicant has also failed to serve notice on the freehold owner.

## **3. Principle of Development**

The following constraints have been identified in respect of the Application site:

- Green Belt
- Chilterns Area of Outstanding Natural Beauty (AONB)
- Setting of Chorleywood Common Conservation Area
- Chilterns Landscape Region

## **Sustainable Development**

TRDC cannot demonstrate a 5 Year Housing Land Supply (5YHLS) and as such the planning balance rests on NPPF para. 11(d) (Presumption in favour of sustainable



development) and NPPF Sections 13 (Protecting Green Belt Land), 15 (Conserving and Enhancing the Natural Environment) and 16 (Conserving and Enhancing the Natural Environment).

The NPPF (2019) recognises there are 3 overarching objectives: Economic, Social and Environmental. Paragraph 11(d) states where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, there is a presumption in favour of sustainable development unless:

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

The Applicant argues that neither Sub-sections (i) or (ii) are satisfied and consequently the presumption in favour of sustainable development applies and the applications should be approved.

The Council's local housing need figure is 624 homes per year. This is calculated using the standard method as required by the NPPF. The significant increase in the need for new homes is considerably higher than the Core Strategy housing target of 180 new homes per year. It is understood that TRDC disagrees with the figure and a new Local Plan is currently being produced to address the issue.

One of the key issues affecting the delivery of new homes is the characteristics of the District's land supply and as a consequence it means the available land supply is severely limited. The District is embedded in the Metropolitan Green Belt. It permeates all parts of the District with 77% of the District designated as Metropolitan Green Belt. Green Belt has the highest policy protection and is identified as a constraint for development in the NPPF.

The NPPF is clear that Green Belt boundaries should only be altered in exceptional circumstances through the plan making process. The emerging New Local Plan will consider whether there are exceptional circumstances for changes to the Green Belt boundaries potentially enabling more sites to be developed than is currently possible. This is the correct approach and sites within the Green Belt should only be released following careful consideration by TRDC.

Within the NPPF, footnote 7 regarding out of date policies, the NPPF requires the Local Planning Authority to take a global view of the most important policies. It is not enough simply to say that the policies are out of date.

TRDC must consider which are the most important policies and determine which of them are out of date. The most important policies in this case are:

- Housing supply
- Green Belt
- AONB
- Conservation

It is not the case that in the absence of a 5-year housing land supply all Development Plan Policies are superseded. The presumption in favour of the grant of planning permission is not irrefutable and the absence of a five-year supply of housing land will not necessarily be conclusive in favour of the grant of planning permission.

Paragraph 213 of the NPPF notes that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework

## **Housing Supply**

It is acknowledged that TRDC cannot demonstrate a 5 YHLS. The development would contribute towards the supply of housing and affordable housing within the TRDC.

However this site is designated as Green Belt and AONB. It also contributes to the setting of the Conservation Area. The proposal would conflict with all three policies which are material planning considerations against the development. It should be noted that the most recent 2018-based household projections for Three Rivers, issued by The Government's Office for National Statistics on 29 June 2020, indicate a highly significant 13% reduction when compared to the 2014-based projections on which the Council's current assessments are based. This will substantially impact on the Council's 5 year housing land supply, this is a material planning consideration in determining this application.

## **Green Belt**

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para. 145 states that, apart from a limited number of exceptions, which these applications do not meet, the construction of new buildings should be regarded as inappropriate in the Green Belt.

Policy CP11 of the Core Strategy (2011) and Policy DM2 of the Development Management Policies (2013) notes there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.

The applicant considers there is no clear reason for refusing the developments proposed and whilst development of the site would by its nature result in harm to the Green Belt, this harm would be localised and limited given the individual site circumstances.

National and local policies recognise the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the developments would cause harm through inappropriateness and damage to the openness of the Green Belt.

The application does not fall under any of the exceptions set out in Paragraph 145 of the NPPF. However, in their view, as the site is adjacent to the built up area of Chorleywood "the harm arising from the development would be limited and have no significant adverse effect on the wider rural character."

The National Planning Practice Guidance (NPPG) outlines that in considering the potential impact of development on the openness of the Green Belt, decision-makers should consider that openness is capable of having both spatial and visual aspects. The concept of 'openness of the Green Belt' is not narrowly limited to the volumetric approach. The word 'openness' is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if development occurs."

At the present time this part of the Green Belt is free of any development. Should the proposal for 800 dwellings go ahead it will be almost entirely covered and therefore the proposal would impact the Green Belt both spatially and visually.

NPPF para. 134 sets out the purposes of the Green Belt: (i) to check the unrestricted sprawl of large built-up areas. The NPPF does not define sprawl, but it is generally taken as the contiguous expansion of an existing settlement into the surrounding countryside. This development would create urban sprawl.

b) to prevent neighbouring towns merging into one another.

At the moment the site marks a very clear boundary between Hertfordshire and Buckinghamshire, there is a strong risk of coalescence if this goes ahead.

c) to assist in safeguarding the countryside from encroachment;

The proposal would encroach 300m as viewed from the public highway of Green Street frontage.

d) to preserve the setting and special character of historic towns;

The proposal would have a significant impact on views from Chorleywood Common Conservation Area and therefore will result in less than substantial harm to the character and setting of the Conservation Area and nearby Listed Buildings.

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The development of the site would not assist in urban regeneration. It takes pressure off the brownfield first approach by developing cheaply on green field sites. Contrary National and Local Policies.

In their case, the Applicant argues the present use is not 'optimal' which makes little sense. Residential development, which is inappropriate, would certainly not be the optimal use for either the purposes of the Green Belt or the AONB.

The Applicant's intention is to "Make most efficient use of poorly performing Green Belt and land which does not contribute to the landscape and scenic beauty of the AONB."

The site fully performs its Green Belt purposes and the quality of the landscape of an area should not be a consideration when assessing the contribution of Green Belt to the fulfilment of those Green Belt purposes. The only reason it isn't well used is because there isn't public access and it is fenced off to prevent Public Access, there is no doubt this could perfectly lend itself to an appropriate small scale agricultural use.

NPPF Paragraph 136, states that Green Belt boundaries should only be altered where exceptional circumstances are "fully evidenced and justified" and such alterations should be carried out through the Local Plan process. At the present time the Council is developing its emerging Local Plan.

This application is speculative development and it has not been tested rigorously through the local plan process. Given the recent dramatic reductions in future household projection for Hertfordshire, the impact that the proposals will have on the Green Belt and the national status of the AONB, this application appears to be speculative and premature.

## **AONB**

The Starting Point is to note that the Landscapes Review of National Parks and AONBs commissioned by the Government and published in September 2019, the point is made that the Chilterns AONB is of such significance that the report recommends that it is re-designated as a National Park (pages 119-121). In discussing the Chilterns AONB the report notes that "In the south east of England, in particular, the pressure of development is immense and may only get greater. Some national landscapes, the Chilterns for instance, risk changing very fast as a result and mostly not for the better."

The AONB is statutorily protected in the National interest through the Countryside Rights of Way Act 2000. Its protection and enhancement is therefore at the highest possible weighting in the overall planning balance.

Section 84 of the Act states that a Local Planning Authority whose area consists of or includes the whole or any part of an AONB has power to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of that area. That includes prohibiting inappropriate development.

Section 85 of the Act places a statutory duty on all relevant authorities requiring them to have regard to the purpose of AONBs when coming to decisions or carrying out their activities relating to or affecting land within these areas. This is known as the 'duty of regard'. It is the responsibility of the Local Planning Authority to fully justify its recommendations for approval of development proposals by referring to the criteria for the AONB's special qualities.

NPPF para. 172 limits the scale and extent of development within AONBs. There is a clear emphasis for a higher level of importance to be placed on the purpose of the designation when assessing development proposals that impact upon it. Major development is unacceptable unless exceptional circumstances exist and where it can be demonstrated that the development is in the public interest. 'Exceptional' circumstances are more onerous than 'very special' circumstances.

NPPF Paragraph 172 sets out what should be assessed when considering applications in AONBs:

- (a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.

National planning policy does not require development that causes harm to nationally designated landscapes to be automatically approved. Planning Practice Guidance, as revised in July 2019, states "The National Planning Policy Framework makes clear that the scale and extent of development in these areas [AONBs] should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non- designated) areas".

The current Chilterns AONB Management Plan 2019-2024, which is a material consideration, requires any such development proposal to be accompanied by a report setting out a sequential approach to site selection. This should evidence the extent to which alternative sites have been assessed before the selection of sites within the AONB, and clearly identify why sites outside of the designated area could not be developed. The report should also identify and evidence why the need for the development could not be met in some other way. The applicant has not presented a rigorous and well detailed sequential assessment in support of their case to build on this site. Instead the Applicant and their agents have thrown in their opinion setting out this site is not particularly special as far as AONB is concerned.

The Applicant argues the same as it is outlined under 'Green Belt'. It is considered that "the land does not contribute to the landscape and scenic beauty of the AONB" (Planning Statement para. 7.2); "harm to the AONB would be localised and limited". (para. 7.5) The Design and Access Statement says that the site "does not have a remote feel or many characteristics typical of the Chilterns [AONB]".(para. 1.10.79).

There are many different characteristics in different parts of the AONB. It is irrelevant whether this part of the AONB has a remote feel or not. None of these comments is supported with rigorous, objective evidence.

Planning Practice Guidance says policies for protecting the AONB may mean that it is not possible to meet objectively assessed need for development in full and the AONB is unlikely to be a suitable area for accommodating unmet needs and the extent of public interest in the need for housing has to be balanced against that in the Green Belt and the AONB and all other material planning considerations. In this case, the Applicant's case is premature.

## **Mix and Type of Housing**

Whilst the applicant proposes a mix of houses, this is only broken down by unit numbers. The applicant claims to provide a genuine mix of homes for first time buyers and downsizers. This is not true. If the applicant was serious about creating a mixed and balanced community, it takes into account at the outset where and how homes for downsizers would be built. There is nothing to suggest the applicant is making provision for genuine good quality accommodation for over 55. Over 55s would not be tempted to move out of family sized homes into small scale units that are squeezed in one on top of the other. The submission takes no account of this.

### **Amenities**

Whilst it is acknowledged that the site is within 2km of Chorleywood Station and the local centre, in order to get to the site there is quite a climb in and out of the centre of the village which will inevitably result in residents having to drive down to the shops and back home. Otherwise it would take at least a 20 minute walk each way to purchase a pint of milk or a loaf of bread. The applicant has not considered the sustainability of the site at all. For 800 homes, it is bewildering why there isn't a basic commercial unit proposed to serve the residents of the future development. It would be a sustainable location that could also serve children walking to and returning from the St Clement Danes school. This development simply provides homes for people commuting in and out of the city and fails to provide a development that integrates into the village.

### **Benefits**

The provision of a golf club (at peppercorn rent) and a football club on the opposite side of the road in Buckinghamshire is cited as a benefit. The applicant suggests parents dropping children to St Clement Danes could park at the football club during pick up and drop off times which is cited as a benefit. There are strong objections to this. At the moment this is merely a speculative application at Buckinghamshire Council. There is little control over this facility as it does not form part of the application. The proposal is not a joint application that has been submitted to Buckinghamshire Council and TRDC at the same time, the two applications are entirely separate which again highlights the speculative nature of this entire development. The facilities that the community have very clearly highlighted there is a need for is ignored, instead the developer has negotiated has offered individual organisations benefits that only benefit a handful of people and do not contribute towards infrastructure demand across the village or the demands generated by this proposal. Furthermore, if the offer made by the applicant for the golf club is secured by the local planning authority this would distort competition and could amount to State aid.

There are significant concerns as the Applicant has stated within their Statement of Community Involvement that "the parking for the sports facilities on the west of Green Street can be used as a drop off and pick up area for St Clement Danes pupils, which will be much safer than the current informal use of Green Street for this purpose." This will only encourage more traffic through the village and the sports facility would be used for purposes other than sports and recreation. This conflicts with the purposes of the Green Belt and the Parish Council will be raising this issue with Chiltern District Council. The Parish Council requests that Officers at TRDC object to the proposal for the football club at Chiltern District Council.

As noted above, the proposed and improved cycle routes the Applicant is proposing is undeliverable as it is illegal to cycle across Chorleywood Common and land that is relied on to deliver improved cycle routes aren't within the Applicant's ownership.

## **4. Impact on the Chorleywood Common Conservation Area**

Paragraph 196 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Planning Statement acknowledges there will be some significant changes to the views of adjacent residents and recreational users of the Common. The Environmental Statement notes the scheme will cause less than substantial harm to the significance of Chorleywood Common Conservation Area.

The Environmental Statement considers “the Site forms a small percentage of this surrounding countryside, and is set back from the historic cores of the conservation area behind intervening built form and thick mature vegetation (Figure 7 and Figure 9). The landscape of the Site slopes down to the south, and has been organised for agricultural use. It is therefore considered that the Site makes a considerably lesser contribution to the wider setting of the conservation area than its immediate setting.”

This is incorrect, the photograph shown on the landscape drawing and a site visit suggests the site is visible from the Common and the proposed development would have a significant detrimental impact on the Common. Not only would the built form erode the open landscape setting of the surrounding area that contributes to Chorleywood Common’s historic setting.

The appearance and treatment of the spaces between and around buildings is also of great importance. The aim should be for any development to result in a benefit in environmental and landscape terms.

Given the density that it is being built to, it would result in a cramped built up urban form. The proposal would fail to maintain the open and rural character of the Conservation Area. The proposed dwelling would significantly alter the fabric of the area and amount to serious ‘cramming’ in what is currently an open field and a site to the edge of the village. The applicant cannot propose a density which is more appropriate in town centres. It further harms the setting of the Conservation Area.

The proposal allows very little space for landscaping and we believe that it would lead to gross overdevelopment of the site. The proposed development would not result in a benefit in environmental and landscape terms, to the contrary it would lead to the loss of valuable green space.

Whilst the scale and appearance of the development is not for determination at this stage, the indicative masterplan portrays a dense three storey housing covering most of the site with open space. New buildings would be highly prominent when viewed from the adjacent the Common and Shire Lane. The impact on winter evenings would be especially damaging and to the Chorleywood Common due to light spillage from street and domestic lighting. It would be harmful to wildlife and undermine enjoyment of the countryside and the night sky, especially given the area currently is intrinsically a dark landscape.

No robust public benefit argument has been put forward to outweigh the significant and detrimental harm to the character and historic interest of the Chorleywood Common Conservation Area.

## **5. Impact on a Valued Landscape**

Paragraph 170 of the NPPF notes:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- 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;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The landscape of which the application site forms a part is valued by local people and those visiting the area and this is enough to give it the protection provided by Paragraph 170 of the NPPF. The Chilterns AONB is made up of a mosaic of land uses, varied typography, landscape history, it includes a dense network of footpaths, small to medium sized fields, mature vegetation, established hedgerows, isolated specimen trees, orchard remnants, streams and views which combine to make the whole of this site an integral part of the memorable landscape.

The site itself contributes to the historic setting of the village and is an important marker for the border between the Kingdoms of Wessex and Mercia, now the counties of Herts and Bucks and the openness of the Chorleywood Conservation Area. It is situated within the Chilterns Landscape region and it is a site of ecological and conservation interest. Its scenic quality is derived from its undulating terrain that is appreciated from within the site and areas surrounding the site. The area is distinctive, attractive and wholly worthy of being treated as a 'valued landscape'. The landscape harm, erosion of the area of local separation, the harm to the conservation area, negative impact on the wildlife corridor and the loss of agricultural land all of which significantly outweighs the benefits of either 300 or 800 homes that the new development would contribute towards making up the district's housing shortfall.

There will be a significant change to views from the Chorleywood Common, from the public footpath immediately to the south of the site and Orchard Drive beyond as well as the two footpaths around the field to the north of the site."

There will be significant impact when viewed from three of the four sides of the site, including from Public Rights of Way (Prows 11 and 014) and longer distance impact from other parts of the Green Belt. This is borne out by the photographs of receptor sites included in the documentation. Apart from the receptors mentioned above, the development would also be clearly visible from a number of other sites. e.g. View 5 Amersham Road where it is claimed that "the site is screened by hedgerow vegetation even during the late winter", (except, unfortunately, in the photograph provided by the Applicant.)

## **6. Highways Impact**

The Applicant states that the Development of the site is planned to take 8 years which causes concern over the impact on existing residents of disruption, dirt and noise.

The Applicant states that 'the proposed Development has not been tested' and 'could be supplemented following further discussions with the Highways Authority prior to determination of the application'. This is unacceptable, the impact would be significant and detrimental and this information must be provided upfront.

Recognises Chorleywood Parish Council's concerns about the underpass between Green Street and Shire Lane but the remainder of the report fails to address the issues that the increase in traffic, created by the Development, at this underpass.

The Applicant's analysis has been based on forecasts and the chosen assessment year is 2030 the anticipated year of opening.

The Applicant states 'no consultation has taken place for this application'. States that the railway at Chorleywood connects to Watford. That is not strictly true, see comments above. As it is widely known, public transport and travel times within the District and County are especially poor.

With regards to the traffic that will be generated by the construction workers. It is noted that car sharing and use of public transport will be encouraged. However, parking in Chorleywood is strictly controlled due to the volume of commuter traffic created by Chorleywood Railway Station. If any development is approved it should be conditional that the Development site must include parking for the construction workers.

The Applicant suggests that 70% of the traffic generated by the Development will travel north from the site and 60% of which will then travel east towards Junction 18 of the M25. Table 8.6 suggests this increase is between 45% and 93% that is a magnitude of change between slight and substantial. The suggestion is a 30% increase in traffic going south from the site. Table 8.6 suggests that this increase is between 21% and 36% which is a magnitude of change between less slight and slight. However the comment that this will be more dispersed towards the south, west, and east goes not address the issues of the difficulty in crossing the railway line or the fact that exit from Chorleywood in all of these directions results in traveling along narrow lanes some not wide enough for white lines down the middle.

Should any application be approved at this site, it should be conditional that there is no left turn onto Green Street from the Application site between the hours of 07:00 and 09:00 to prevent single track lanes being used as shortcuts to the M25 and other routes. Such a solution has been implemented successfully in the London Borough of Hillingdon and it is enforced by a traffic camera.

## **7. Travel Plan**

The Applicant states 'it is not possible to calculate the required vehicle and cycle parking at this stage as the residential mix is not yet known'. However, access would determine the layout, the number of homes and car parking layouts. Officers should be mindful that the application site requires a hike up Green Street's undulating terrain and it is unrealistic that there will be car free homes or that each dwelling would only require one car parking space. Given the quantum of development proposed, there is a risk the estate would be littered with car parking which goes against good placemaking principles.

PROW 14 does connect Green Street with Chorleywood Common and is suitable for pedestrians but not cyclists as it is illegal to cycle on Chorleywood Common. It is currently not lit due to its conservation value. This route cannot be used for cycling and it cannot be lit and must be maintained for pedestrians only.

National Cycle Route 30. This runs through Long Lane, Chalfont Lane and continues to Little Chalfont.

States that the Metropolitan Line connects to Watford, although this is true it is necessary to change trains at Moor Park and the Watford Metropolitan Line Station is a long walk from Watford town centre. It would take at least 50 minutes. This suggests journeys to Watford will in fact be undertaken by car.

States that railway services go to Watford, although this is true it is necessary to change twice, once at Rickmansworth and once at Moor Park. (see Comment on 2.22 above). To get to the centre of Watford you can take a Metropolitan Line train to Northwick Park, walk



to Kenton and then get a London Overground train to Watford High Street. This would take approximately 1 hour. This suggests journeys to Watford will in fact be undertaken by car.

Chorleywood Railway Station is within the maximum preferred walking distance from the site however pedestrian access to the village is poor and undulating.

Within the centre of Chorleywood there are only four places to cross the railway line for pedestrians and two for vehicles. One is a pedestrian only underpass, known as the Cattle Creep, which joins two parts of Chorleywood Common. The other pedestrian only underpass is within the confines of Chorleywood Railway Station, owned by TFL, and it is only with their agreement that residents can use it without purchasing a ticket. A bridge, known as Shepherd's Bridge, is used to cross the railway line east of the railway station, but it is narrow and has no pavements for pedestrians. Photo 5 included in the report, shows the bridge at the end of Green Street that passes through to Shire Lane. The road way is narrow as is the pavement. It is possible for cars to pass each other but not HGV's.

In the Environmental Statement Chapter 8: 8.2.48 states 'fear and intimidation are other problems caused to pedestrians and cyclists by the proximity of vehicular movements'. The Parish Council suggests that the lack of pavement on Shepherd's Bridge and the narrow pavement in the Shire Lane underpass is a cause for fear and intimidation if the volume of traffic were to increase.

Any increase in volume of housing to the north of the Railways Line will adversely effect all Chorleywood residents' ability to cross the railway line safely, whether they are in a vehicle, on a bicycle, or on foot.

States that 'a travel survey will be carried out within three months of full occupation of the Proposed Development site' and 'undertaken annually for five years'. A travel survey should be undertaken now, so that the impact of the Development on the area can be accurately assessed. States that a Travel Plan Coordinator will be appointed and will actively engage with Hertfordshire County Council. Nothing is said about who will appoint this person or how this person will be financed.

Currently Chorleywood Parish Council is responsible for the interaction with Hertfordshire County Council on matters relating to highways and footpaths and this is financed through the precept. The improvements to the traffic lights on the A404 & Common Road were partially funded by Chorleywood Parish Council.

The travel implications of the development would not disappear after 5 years, it would continue forevermore this will only increase pressure and demand on this historic village for the next twenty, fifty and hundred years. The development of the site should consider its impact upfront and propose solutions that are sustainable and not left flippantly to an unspecified monitoring officer to manage for a period of 5 years.

## **8. Socio Economic Impact**

### **Health**

On page 6.27 table 6.9 states that:

- The Gade Surgery has 7.76 doctors with 11,755 registered patients, equalling 1,515 patients per doctor and therefore spare capacity for 3,765 patients
- This is factually incorrect. Not all the doctors work full time so in actuality the surgery only has 5.375 doctors serving 11,816 patients resulting in 2,198 patents per doctor
- Herts Valley Clinical Commissioning Group state that doctor to patient ratio should be no more than 1:2,000 so rather than the surgery having spare capacity it is in fact over subscribed
- Conclusion: There is no spare capacity to serve these potential new residents at The Gade Surgery

In order to serve these potential new residents (either the 300 or 800 homes application) the surgery would need to recruit new doctors and expand its premises to meet the increased demand and provide appropriate facilities. This would be extremely difficult at its current location

Furthermore, if the objective of the housing developments is to provide homes for new families and downsizers it is reasonable to assume a potential polarisation of age groups within these potential new residents i.e. more residents at opposite ends of the age spectrum. This will present additional challenges for the surgery as these age groups (very young children and older residents) tend to have a higher patient to appointment ratio and also a need for more "on the day" appointments, due to the health challenges they present, than other age groups. Section 6.11.3 on page 6.43 supports the fact that there is an ageing population in TRDC - expected 34% increase in those aged over 65 during the period 2016 to 2031

This will place additional pressure on the surgery in respect of accommodating these new patients and lead to potential frustration for existing residents in respect of securing a doctors appointment.

Given the discrepancies presented in the Socio Economic report for The Gade Surgery it is reasonable to call into question the data presented for the other Surgery within Chorleywood and the Dentists.

In light of the above, the Parish would refute the point about "No significant" impact on Primary Health Care made in section 6.8.1 on page 6.39 of the Socio Economic Report

There is no mention of additional defibrillators being provided to serve this new housing development. The existing ones are in the centre of the village and are potentially too far away from the epicentre of this new population to provide any realistic benefit.

There is also no mention in the report of the potential increase in ambulance response times for these new residents.

In summary the Socio Economic report contains inaccurate data and a number of omissions which significantly calls into question their position that these developments would have "no significant impact" on Primary Health Care within Chorleywood.

### **Schools**

Currently there is no capacity within Chorleywood for additional school places, with most schools being oversubscribed. The schools do not have the capacity to accommodate pupils from this level of housing development.

Using their statistics 800 new dwellings could mean a potential of approximately 1200 further children (1.5 per dwelling). This equates to three extra classes per year group being required.

Due to the location of the development it will have a detrimental effect on the ability of families to access St Clement Danes School which is already oversubscribed. SCD has over the past few years expanded to meet the current demand and have advised that they do not have space to expand again. This development would displace those children already living in Chorleywood further away from the school to have to choose schools outside the local community.

In order for this development to be acceptable, it must provide a new primary and secondary school within Chorleywood to mitigate against the impact of the development. It is unacceptable that this proposal would displace school places for children living within the

village. It is completely unacceptable that this development flippantly offers a notion contribution to be spent 'elsewhere in the District' when its impact would be felt locally within Chorleywood and only reinforces its prematurity. Any development at this may only be considered through the local plan process ensuring that it is supported by the right infrastructure so it is truly sustainable for existing and future residents.

## **9. Water Environment**

Chorleywood Parish Council have a fear of Surface Water Ingress into the Village Centre of Chorleywood following the area of the Village Centre being devastatingly flooded twice in the 1990's. These events resulted in remedial work being undertaken on Chorleywood Common, one of the highest points close to the centre and Thames Water improving the surface water drainage in the lowest areas. The flood risk maps produced by the Environment Agency confirm these fears and demonstrate the roads at risk as being Whitelands Avenue; Green Street; Orchard Drive; Homefield Road; Lower Road; Chorleywood Bottom.

The Parish Council are pleased to see that the risk of flooding to the village centre has been recognised by the Developer and should be mitigated by the landscaping proposed.

Should any development of this area of Chorleywood be approved it should be conditional that the landscaping proposals are completed as part of the first phase.

11.3.5 & 11.6.25 – This States that 'insufficient capacity exists within the foul sewer network'. Thames Water has an obligation to provide the necessary sewage infrastructure. Any decision regarding the development of this site should be deferred until Thames Water has demonstrated they are willing and able to 'reinforce the sewage network to accommodate post development discharge without detriment'.

11.6.26 – This states that 'the Proposed Development could have a potentially major adverse and significant effect upon both Affinity Water supply network and associated groundwater abstractions'. Any decision regarding the development of this site should be deferred until Affinity Water has demonstrated they are willing and able to address these issues.

## **10. Ecological Impact**

The proposed creation of a wildlife area as part of the wider housing development has the potential to provide increased and improved habitat (i.e. well designed ponds and long grass/scrub areas) for a range of wildlife than is currently present. There is very limited habitat currently on site with the most valuable being the boundary hedgerows and associated trees. These are expected to be protected, retained and improved within the proposed development.

For any new habitat to be effective it must be well designed and implemented with thorough oversight by experienced and qualified ecologists. As the Savills report notes, it is clear that further, more detailed ecological surveys are required. For instance, myself and other local residents have noted skylark (*Alauda arvensis*) being present and displaying breeding behaviours on site and yet this species has not been mentioned in any report or survey. This is a red list species protected by the Wildlife and Countryside Act 1981.

The Savills report is contradictory in places with it being noted under section 10.5.1, table 10.6, mitigation measure E that "Boundary habitats will be subject to no increase in lighting levels beyond current levels during both construction and occupation of the proposed development. This will preserve the value of the retained habitats, in particular for nocturnal species." Yet in section 10.7.2 table 10.7 mitigation measure J "A dedicated wildlife area will be established in the south of the site, with minimal lighting (for public safety only)."

The information contained within the proposed homeowner pack to be created and distributed to all potential future occupiers will need to be produced with thorough consultation and oversight by interested local parties (i.e. Chorleywood Parish Council) to ensure the information contained within about local designated sites (i.e. Chorleywood Common) is correct and accurate.

Whilst it is encouraging that a proposed Landscape and Ecological Management Plan (LEMP) will be implemented post development, the reach of the plan should extend beyond the planned 30 years which is a mere blink of an eye in ecological terms. The plan should detail long term strategic management and include a review process every 3-5 years in perpetuity.

And finally, for a proposed development of this magnitude, inside designated Green Belt, within an Area of Outstanding Natural Beauty (AONB) and in times of greater environmental awareness and responsibility, the area of land set aside for wildlife and conservation could and should be much greater and more ambitious than the 9ha planned.

Below is an extraction of the key points from chapter 10 of the development proposal documentation that covers the environmental statement and ecology report for the proposed development at Green Street, Chorleywood.

The report acknowledges that due to the timing of the planning application during the coronavirus pandemic that Chapter 10 has been prepared with historic data with further surveys planned for later in 2020.

Mark Kemp (Director of Environment and Infrastructure at Hertfordshire County Council) notes that “the need for further, specific surveys and/or mitigation for great crested newts (GCN), badgers, bats, breeding birds and hedgehogs appears reasonable”.

Anita Parry (Ecology Advisor, Hertfordshire Ecology) agrees with the ‘need for further specific surveys and/or mitigation’ for the above species and that ‘measurable biodiversity net gain will need to be demonstrated and delivered to satisfy the aspirations of the National Planning Policy Framework (NPPF) in achieving overall net gain’.

1A public responder commented that ‘in view of the declared climate emergency and the government’s objective to plant 30 million trees a year, that a new woodland environment could be created instead of the proposed development.

The site is located within the Hertfordshire Ecological Network as an area identified as offering potential to, but not supporting, habitat listed on S41 of the Natural Environment and Rural Communities (NERC) Act which states “these patches contain habitats not currently qualifying under S41 of the NERC Act but with high potential to do so... and should nonetheless be avoided by development... because they are important components of ecological networks and it is much quicker, less risky and more cost-effective to restore these habitats than to create new ones elsewhere”.

An extended Phase 1 habitat survey was conducted on 21 November 2019 and updated on 15th April 2020.

In the ‘do nothing’ scenario, no significant changes are predicted to occur and habitats within the site boundary would continue to be managed intensively for agriculture through cattle grazing.

Bats – it is assumed that the site supports a moderate number of species of local/county importance at the boundaries of the site and that the majority of the site (which offers much lower quality habitat) supports a low number of species of local/county importance.

GCN - It is assumed that ponds within 500m to the east support a medium population of GCN and reasonable to conclude that the species is absent from ponds within 250m to the west.

Badgers – It is assumed that the wider Quattro landholding supports one main sett and one annex/subsidiary sett and that the site is used by one badger clan. The site is considered to be of no more than local value.

Table 10.2 provides a summary of the Phase 1 habitats present on site.

Hedgerows – There are two hedgerows on site, both are generally defunct but species-rich. Both hedgerows are considered to be a Habitat of Principle Importance under S41 NERC Act, 2006.

No artificial illumination is located within the site boundary resulting in the perimeter features and main open area offering dark conditions for nocturnal animals.

Flora - No protected/notable species of flora were recorded on site during the Phase 1 survey and is unlikely to support such species due to its improved and grazed nature.

Bats – From a review of local records provided by the Hertfordshire Environmental Records Centre (HERC) and the Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC) and from taking into account the habitats present on site, it is considered likely that the site supports multiple species of bat.

Bats – The initial bat survey undertaken on 22nd April 2020 identified multiple bat species and it is considered they may use the boundary features of the site (trees and hedgerows) for foraging, commuting and possible roosting as opposed to the centre of the site. The baseline information will be updated during additional surveys during the course of 2020.

Badgers – Two active badger setts are present within the wider Quattro landholding adjacent to the sites eastern boundary. The site itself offers approx. 9 hectares of suitable foraging habitat for this species with even more extensive habitat being present in immediately adjacent areas.

Amphibians - The boundary habitats on site and in the adjacent area within the Quattro landholding provide suitable terrestrial and hibernation habitat for GCN. The grassland does not offer any refuge or hibernation habitat and has limited value as foraging habitat.

Amphibians – The boundary habitats on site are also considered suitable to support low numbers of common toad and common frog, both recorded locally.

Reptiles – The site offers very limited habitats of suitability for reptiles.

Breeding Birds – The boundary hedgerows and trees offer suitable nesting habitat for various species.

Breeding Birds – The on-site grassland offers suitable foraging habitat for a range of species, although is a limited resource for raptor species, being heavily grazed and lacking any sward height suitable to support small mammals/rodents.

Hedgehogs – Records exist for locations within 2km of the site. The site itself is considered to offer suitable foraging and hibernation habitat for this species, particularly along the edges of the site and within boundary hedgerows and deadwood.

Dormouse – The hedgerows on site offer limited suitability to dormouse.

Invertebrates – Overall, the site is considered likely to support an invertebrate assemblage comprising predominantly common and widespread species although the more floristically diverse and complex habitats (such as the boundary hedgerows) may support legally protected and or notable species.

Trees – The hedgerows contain a number of standard trees offering features suitable to support roosting bats.

Improved grassland – The site predominantly comprises an improved grassland field currently grazed by cattle. The grassland is species poor and is maintained at a very short sward height (5cm at time of survey) due to cattle grazing.

Table 10.6 Summary of inherent design mitigation.

A - Boundary habitat (hedgerows with trees) with associated vegetated buffer to be retained and protected through the use of barrier fencing to provide habitat and unchanged connectivity for invertebrates, birds, GCN and common amphibians and reptiles, badgers, bats and other mammals. Enhancement of the habitat within the buffer to provide a species rich resource. Hedgerow planting to infill existing gaps to increase ecological value. Retained open greenspace in the south of the site will provide alternative habitat for species inc. badger, GCN, bats and hedgehog.

B – Avoidance of injury or killing of GCN through the use of standard methods to be implemented through a Natural England GNC mitigation licence. No increase in lighting within the retained perimeter habitat features to ensure use of these habitats and long-term connectivity.

C – A Construction Environmental Management Plan (CEMP) will be produced for the site which will set out specific avoidance and control measures to protect the environment and associated receptors.

D – Tree protection fencing will be used where necessary. The removal of Class A and B trees will be minimised as far as possible at the two locations required for site access. Trees that are required to be removed will be replaced at a suitable location to be agreed with the LPA ecologist and Tree Protection Officer. No potential bat roost trees currently present a need to be removed.

E – Boundary habitats will be subject to no increase in lighting levels beyond current levels during both construction and occupation of the proposed development. This will preserve the value of the retained habitats, in particular for nocturnal species.

F – Creation of a series of new ponds within the retained greenspace area to include appropriate marginal planting to provide additional suitable breeding habitat for GCN, foraging habitat for bats and a water source for mammal species.

G – No increase in lighting beyond current levels, retention of boundary habitats and buffer around the development allowing long term connectivity to local badger setts, adjacent suitable foraging and other habitats.

H – Repeat badger survey as part of CEMP to confirm location of setts and to confirm no additional measures required. Use of an Ecological Clerk of works during construction if deemed necessary following repeat badger survey.

I – No vegetation clearance will take place during the bird nesting season (Feb – Sept inclusive). Where this is not possible, a suitably qualified ecologist will perform a detailed check of the vegetation to be cleared no more than 2 days before clearance is due to commence. Should a nest be found, a suitable buffer will be established and clearance of the vegetation delayed until all chicks have fledged.

A key aim of the proposed development is to deliver Biodiversity Net Gain through the creation and enhancement of habitats.

There is likely to be additional recreational pressure from new residents on Chorleywood Common LNR due to increased visitor numbers leading to changes in plant communities arising from the effects of nutrient enrichment of soils as a result of dog faeces, removal of

plants, trampling of habitats and disturbance to individual species. Consequently a medium magnitude of change is predicted which may result in effects that are significant in the absence of additional mitigation measures.

There is the potential for a reduction in the ecological value of the boundary hedgerows and trees following development of the site. The implementation of mitigation measure A (additional planting) will ensure the ecological value of this habitat is maximized. However, without appropriate management and maintenance of this in the future, the ecological value of these habitats will decrease. Consequently a medium magnitude of change is predicted which may result in effects that are significant in the absence of additional mitigation measures.

Table 10.7 details the additional mitigation, compensation and enhancement measures required.

J – A dedicated wildlife area will be established in the south of the site, with minimal lighting (for public safety only).

K – A Landscape and Ecological Management Plan (LEMP) will be produced for the site which describes the management, maintenance and monitoring prescriptions for the areas of newly created and enhanced habitat and other ecological features for a period of 30 years post development.

L – A homeowner pack will be produced for each new dwelling, to include info on: the local designated sites (i.e. Chorleywood Common) including their features of importance, habitats and species the support and responsible amenity use by new residents to preserve their value (i.e. keeping dogs on leads, picking up dog waste, using the bins provided and keeping to footpaths). Responsible use of the on site wildlife area for amenity purposes including info on the species likely to be using the area, dwellings with bat boxes/tiles etc.

M – provision of bat boxes at appropriate locations in retained trees to be advised by a suitably qualified ecologist.

N – Areas of scrub habitat will be created comprising nectar rich native species providing suitable habitat for invertebrate prey species.

O – Creation of hibernacula and log piles within the site boundary for GCN, and other amphibians and reptiles. Additional linear ponds will be created along the boundary habitats to provide new breeding habitat and providing a stepping stone habitat as a new link to wider suitable habitat to the west.

P – Bird boxes to be installed along boundary hedgerows/in trees.

Q – All new fencing will contain gaps measuring 12x12cm every 10m to allow hedgehogs and other smaller species to access areas of potential foraging habitat.

The proposed Green Street West development will provide approximately 9ha of additional woodland habitat thereby significantly increasing the number of trees in the wider local area. This is considered to have a significant positive cumulative effect. Should the application be allowed, this should be subject to a planning condition.

A significant positive cumulative effect is also predicted as a result of the Green Street West proposals in combination with the Green Street East proposals in terms of legally protected and notable species. Increased foraging, commuting, nesting/breeding and hibernation habitats will be provided for a range of species (inc. bats, badgers, GCN, reptiles, invertebrates, breeding birds and hedgehogs).

## **11. Conclusion**

The applications are premature and speculative that simply deliver housing numbers which is a very short term objective as is made evident by the fact there ONS is projecting a fall in household growth. And yet, the harm proposed by this development is significant and lasting. Once built on, this would change the character and setting of Chorleywood, harming the natural and historic environment. It fails to take into account existing designations and

robustly evidence that there is no other brownfield site within the District that could meet housing needs.

The proposal would result in the loss of Green Belt and AONB designated land and create an unsustainable form of urban sprawl. It fails to provide genuine amenities on site for existing and future residents. It would have a detrimental impact on the sustainability of Chorleywood where existing residents would be displaced and there is limited capacity in the village health centres and school to accommodate the scale of growth proposed because it is not supported by the right infrastructure within Chorleywood for existing and future residents. The proximity of a site to an underground station is not the only determining factor of sustainable development.

Should any development be considered for this site, it must be done so through the local plan process where it is robustly tested so there is a clarity on the sustainability of the scheme. Contributions and planning obligations expected from development should be set out from the outset as part of the local plan process where the level and type of affordable housing and supporting infrastructure (education, health, transport, flood and water management, green and digital infrastructure) is set out within the local plan. For the reasons outlined within this Statement, the Parish Council request this application is refused.

#### 9.1.4.1 Chorleywood Parish Council (February 2022): [Objection]

Following a public meeting held at the War Memorial Hall on 07 February 2022, where 100 members of the public attended in person and online, at a Full Council meeting on 08 February 2022 the Council resolved to object to the applications being considered at Land East of Green Street under ref: 20/0882/OUT and 20/0898/OUT and to call the applications in to be decided at the Three Rivers Planning Committee.

Whilst the detailed considerations are set out in the table below, the principal concerns raised by the Parish Council are as follows:

- That the concerns listed in the Parish Council's detailed report issued in 2020 have not been addressed by the additional technical documents produced by the Applicant.
- Significant concerns remain that the proposal would result in detrimental harm to the rural character and the historic setting of Chorleywood Common Conservation Area and other nearby heritage assets.
- The huge demand for infrastructure that both developments generate has been completely ignored by the Applicant.
- Both applications are inappropriate development in the Green Belt and the Chilterns AONB.
- Failure to align with the policies within the Chorleywood Neighbourhood Development Plan.
- The development would result in a significant rise in traffic movements by private vehicles. The limited range of services/facilities in Chorleywood together with the topography of Chorleywood, the narrow roads and limited footways for such a large number of residents would result in the majority of journeys being made by car.
- That the benefits of the Golf and Football Club are not within Chorleywood Parish, Three Rivers or Hertfordshire, are not guaranteed and, as both are private clubs, are not truly "Public" benefits
- The proposal is contrary to a Development Plan. It results in harm to the Green Belt including definitional harm, harm to its essential purposes and harm to openness arising from the proposed scheme. It also harms the Chilterns AONB by its very nature which results in an uncharacteristic urban sprawl into the countryside. The harm caused by this development is significant. There are no material considerations, including the Framework, that would indicate that the decision in this case should be taken otherwise than in accordance with the Development Plan.



	<b>Comments apply to both Application 20/0882/OUT and Application 20/0898/OUT</b>
Natural Environment (AONB)	<p>The development proposed is within the Chilterns Area of Outstanding Natural Beauty (AONB). The AONB has the highest level of protection, above that of Green Belt, so that development in an AONB can only be allowed if there are “exceptional circumstances”. The Applicant has failed to provide any exceptional circumstances or to demonstrate there is no other site within Three Rivers or Southwest Hertfordshire that could accommodate new housing before proposing irreversible damage to the Chilterns AONB which also forms the rural and tranquil setting of the village of Chorleywood.</p>
Natural Environment (Ecology)	<p>The Chorleywood Parish Council Conservation Ranger and local residents have noted Skylark (<i>Alauda arvensis</i>) regularly being present and displaying breeding behaviours on site, and yet this species has still not been mentioned in any report or survey. This is a red list species protected by the Wildlife and Countryside Act 1981. The matter raised by HCC regarding further isolation of Chorleywood Common cannot be swept aside by stating that links remain to the north and south (where the Common is bounded by the A404 and M25) when a large proportion of its western boundary will be more isolated from the wider countryside. With the huge volume of green space and fauna movement routes already lost to HS2 there is diminishing space allowing for wildlife movement between sites. A herd of Roe deer are very regularly seen on the proposed development site.</p> <p>Management of Chorleywood Common is already significantly funded by the parish Council with 2 full time, qualified rangers in post. The offer of a contribution to the Parish Council to support the management of the Common (Response to HCC Ecology Point 18.3) will not serve to reduce the impact of extra footfall of pedestrians and dogs where such high pressure already exists and either demonstrates a lack of understanding of the impacts or is an empty gesture.</p> <p>The developers propose to create a footpath situated at the southernmost point of the development to link up with public footpath 14 which runs from Green Street in the north to Chorleywood Common in the south. This is simply not possible as <b>cycling is prohibited on the Common</b> (Section 193 of the Law of Property Act 1925 and Chorleywood Byelaws dated 23 March 1995). Once again, the Applicant has simply ignored this matter which only points to how ill thought-out and unsustainable the development actually will be, in that future residents will be heavily reliant on private vehicles to meet their needs.</p>
Green Belt	<p>The development proposed is within the London Metropolitan Green Belt. Whilst each case must be decided on its merits, there are many Appeal Decisions where development in the Green Belt has been refused because such developments are poorly thought out and harm the openness of the Green Belt, very much like both of these applications.</p> <p>Unmet housing need does not amount to Very Special Circumstances capable of outweighing the harm caused by inappropriate development in the Green Belt as set out in the Ministerial Statement (2014) and later incorporated into circular (2015) and PPG.</p>

	<b>Comments apply to both Application 20/0882/OUT and Application 20/0898/OUT</b>
Socio-Economic Impact	<p>The applications do not address the socio-economic concerns raised in July 2020.</p> <p>There is no firm commitment to provide land for a primary school. Furthermore, the shortage of school places extends beyond primary level, to secondary level as well, and there is no mention of how this will be addressed.</p> <p>The applications fail to acknowledge or address the devastating impact the additional homes will have on local services. For example, there is no provision for additional medical facilities within the development or elsewhere, no community hub in the "estate," no additional defibrillators etc.</p> <p>The applications fail to respond to the policy requirements of the Chorleywood Neighbourhood Plan. It conveniently omits alignment to a number of other policies. Particularly the need to provide a sustainable development and protect and improve infrastructure and community facilities. The proposal's empty gesture, which provides some additional inappropriately placed 'urbanising facilities' outside the Parish, District and County, is simply unacceptable. This development would make the existing village unsustainable.</p> <p>The development is not well connected to existing services e.g. shops, transport, etc., which are approximately 0.5 miles away down a steep hill with narrow pavements at points. Accessibility to these services e.g. doctors &amp; shops will be very difficult for someone with limited mobility or young children, resulting in a high reliance on private vehicles to meet their needs. No provision has been made within the development for shops or medical services.</p> <p>The developer implies that if the development goes ahead then there is the opportunity to build Golf and Football Clubs at Green Street West. Yet again there is no firm commitment to do this. Even if these are subsequently provided, they only benefit a small percentage of Chorleywood residents and could result in additional "outside" traffic coming through the village. The provision of such facilities, if they ever materialise, does not even begin to offset the harm to Chorleywood caused by a development of this size.</p>

	Comments apply to both Application 20/0882/OUT and Application 20/0898/OUT
Traffic & Transport	<p>The applicant has provided extensive new information in the form of a revised traffic and transport assessment including junction modelling requested by the relevant highways agencies. There are concerns over the quality of the modelling as the results appear inconsistent, for example, 300 dwellings is expected to cause additional delays of 46.9 seconds at the Green Street/A404 junction whilst 800 dwellings is expected to only cause delays of 27.98 seconds (Table 8.8 in the respective traffic assessments). This trend is seen across the data for several junctions.</p> <p>Whilst the applicant appears to address most of the questions asked by the agencies, it is notable that the applicant has not responded to the agencies' queries on the impact on J17 of the M25. As the access to this junction from the proposed site would be via a narrow country lane (Long Lane), which already struggles to cope with the levels of traffic experienced in busy periods, this is of considerable concern.</p> <p>The developer has concentrated on the impact that the Green Street development will have on the A404 and one of the junctions on the M25 that serve Chorleywood. However, the time slots quoted in the Developers calculations are shorter than required and do not match the periods of high volumes that are experienced by the residents.</p> <p>Chorleywood Parish Council has previously recorded the issues that pedestrians currently experience crossing the railway line that dissects the centre of the village. As a result of proposals to build a significant number of new houses around the village and, in particular, in Green Street, the Parish Council engaged a company to carry out a traffic survey. The results of this undertaking have shown that the impact on pedestrians and traffic within the centre of Chorleywood by any development in Green Street, will be considerable.</p> <p>The Parish Council's own evidence states that traffic flow via the bridge peaks during the morning peak hour as would be expected, however the evening peak occurs during school pick up (3- 4pm) and not the typical weekday evening peak of 5-6pm. This suggests that peak traffic flow on the network is more associated with school traffic than general commuting traffic.</p> <p>The pedestrian count under the railway bridge shows a substantial level of pedestrian flow northbound in the morning peak hour and southbound in the school afternoon peak hour.</p> <p>This highlights the importance of the railway bridge for connections on foot towards schools north of the railway line principally St Clement Danes School. The current layout of the highway under the railway bridge prioritises vehicles over pedestrians, which results in a footway which is too narrow to adequately cater for its current usage. The developer in their Transport Assessment sets out anticipated trips by all modes of transport from the site but does not quantify likely travel routes or destinations for any mode of travel other than by car. However, the TA does set out likely levels of traffic flow which will result in a significant increase in peak hour traffic flow. Whilst junction capacity is given due consideration in the assessment work, the impacts on pedestrian movement is given limited attention. Indeed, the additional traffic flow from the development will result in the Green Street/Shire Lane/Station Approach junction exceeding theoretical capacity in the future year scenario.</p> <p>The developer has attempted to address the concerns of the Parish Council with regard to the road junction where Green Street meets Station Approach and Shire Lane by offering a redesign of the junction. Unfortunately, their plan cuts across and blocks the entrance of a private road which is the access for some of the residents to their homes and pays no regard to the fact that the ancient hedge located in their design, forms the boundary of the Common Conservation area and is protected under the Chorleywood Neighbourhood Development Plan. In addition, it is considered that it is unlikely that modifying the junction will have the desired effect due to the narrow nature of the tunnel under the railway immediately proximate to the junction.</p>

	<b>Comments apply to both Application 20/0882/OUT and Application 20/0898/OUT</b>
Water/ Sewage	<p>Thames Water has stated that 'insufficient capacity exists within the foul sewer network'.</p> <p>The developer has ignored Thames Water's concerns and no changes are evident in their plans to mitigate the problem. The residents of Chorleywood are already suffering from issues with the current sewers and Thames Water have received numerous complaints. The Chorleywood Parish Council has a detailed correspondence file on this matter and this situation already exists before any large development in this area has been approved.</p> <p>Affinity Water has stated that 'the Proposed Development could have a potentially major adverse and significant effect upon both the supply network and associated groundwater abstraction. The developer has ignored Affinity Water's concerns and no changes are evident in their plans to mitigate the problems.</p>

	<b>Application 20/0882/OUT 300 Dwellings</b>
Historic Environment	The Parish Council maintain the proposal will result in detrimental harm to the Chorleywood Common Conservation Area. It fails to conserve the heritage assets in a manner appropriate to their significance.
Landscape and Visual Effects	<p>The development would result in harm to the rural setting of Chorleywood. It would introduce an uncharacteristically large and dense development within the AONB. The proposal would be harmful because it would introduce a dense urban form of development that would be discordant with the characteristics of the AONB. It would create an uncharacteristic urban sprawl in this location.</p> <p>It would be visible from various points in the Chorleywood Common Conservation Area as well as the surrounding area. It would result in the loss of open views from the footpaths adjoining the site. The light spillage, pollution and associated domestic paraphernalia would result in harm to the current tranquil landscape setting of the Chiltern AONB.</p>

#### 9.1.4.2 Chorleywood Parish Council (April 2022): [Objection]

The Full council met on 12th April 2022 where the additional information submitted by the Applicant was considered. It was concluded at the meeting that the Parish Council's original and subsequent objections against the application continue to stand. In addition to the objections already raised, the Parish Council further add:

- It was also noted that in the Applicant's E-Technical Note it still says you can cycle to the station using footpath 14 and Old Common Road. This cannot be facilitated as cycling on the Common is illegal?
- The Parish Council's concerns about the situation with pavements at the junction of Green Street and Station Approach, and the tunnel have all been ignored
- The survey on Crested Newts expires in June 2022, it needs to be redone.

Chorleywood Parish Council maintain their objection to planning ref: 20/0898/OUT - Land East of Green Street (300 Units) and wish to CALL IN the application to the planning committee.

#### 9.1.5 Chorleywood Residents Association: [Comment received]

Impact Area	Application 20/0882/OUT 800 Dwellings	Application 20/0898/OUT 300 Dwellings
Natural Environment (AONB)	The development proposed is within the Chilterns Area of Outstanding Natural Beauty (AONB). In the additional documentation the applicant has provided, they have included seven Appeal Decisions where Planning Inspectors / the Secretary of State have given permission for development in Green Belt. However, they do not relate to sites in AONB which has the highest level of protection, above that of Green Belt, so that development in an AONB can only be allowed if there are “exceptional circumstances”. As such, the applicant has still not provided any examples that would demonstrate that an appeal would be allowed for development such as this in AONB.	
Natural Environment (Ecology)	The applicant has provided additional information in response to questions from Hertfordshire Ecology. This seeks to demonstrate that mitigations will be put in place to offset and damage to the natural environment. However, in this analysis, in the mitigations planned no consideration has been given to ground nesting birds such as Skylarks ( <i>Alauda Arvensis</i> ) which have been observed on the site and there is no obvious mitigation that can be put in place. This is of particular concern as the Skylark appears on the RSPB’s Red List for endangered UK birds species and therefore is protected under the Wildlife and Countryside Act 1981. Note: the information for 20/0882/OUT was not provided until 7 <sup>th</sup> February (two weeks into the consultation).	
Green Belt	The development proposed is within the London Metropolitan Green Belt. In the additional documentation the applicant has provided, they have included seven Appeal Decisions where Planning Inspectors / the Secretary of State have given permission for development in Green Belt. However, it should be noted that there are also many Appeal Decisions where development in the Green Belt has been refused.	
Historic Environment	In the new documentation, in response to comments raised by Chorleywood Parish Council to the first consultation, the applicant accepts that this proposal will have a significant adverse effect on views from the Chorleywood Common and its associated Conservation Area.	No material new information
Traffic & Transport	The applicant has provided extensive new information in the form of a revised traffic and transport assessment including junction modelling requested by the relevant highways agencies. There are concerns over the quality of the modelling as the results appear inconsistent, for example, 300 dwellings is expected to cause additional delays of 46.9 seconds at the Green Street/A404 junction whilst 800 dwellings is expected to only cause delays of 27.98 seconds (Table 8.8 in the respective traffic assessments). This trend is seen across the data for several junctions. Whilst the applicant appears to address most of the questions asked by the agencies, it is notable that the applicant has not responded to the agencies queries on the impact on J17 of the M25. As the access to this junction from the proposed site would be via a narrow country lane (Long Lane), which already struggles to cope with the levels of traffic experienced in busy period, this is of considerable concern.	

Impact Area	Application 20/0882/OUT 800 Dwellings	Application 20/0898/OUT 300 Dwellings
Traffic & Transport	<p>In the new information the applicant recognises that the modelling for this application shows that, due to the increases in traffic from the development, there would be a major adverse impact to traffic delays at the junction of Green Street and Station Approach. The applicant contends that, if the junction were modified to create two lanes at the end of Green Street, this would reduce the impact on traffic delays so that they would reduce from that currently experienced.</p> <p>However, it is questionable whether this change to the end of Green Street could be achieved. It would require widening the road across the hedge separating Homefield Road (a private road) from Green Street, thereby merging the exit from Homefield Road into Green Street. Also, the hedge involved is protected in the Chorleywood Neighbourhood Plan as it marks the ancient boundary between Wessex and Mercia.</p> <p>If the change to the end of Green Street could be made, it is also questionable whether the predicted reductions in delays could be achieved as the modelling does not appear to take into account the narrowness of the road under the railway bridge.</p> <p>The pavement under the bridge is very narrow and is used by a very high number of pedestrians during morning peak hours, mainly children going to school. Any increase in traffic will increase the risk to these children and will cause them and their parents to fear for their safety.</p> <p>In addition to the major increase in delays at the junction of Green Street and Station Approach, the applicant's report recognises that there will be moderate increases in traffic delays at the junctions of Green Street/A404 and A404/M25</p>	<p>The applicant's report recognises that there will be a moderate increase in traffic delays at the junction of Green Street/A404.</p>
Schooling	<p>The applicant has raised the prospect of land being provided for a new school. However, no details are provided of where this might be and how the building of the new school would be funded.</p>	
Healthcare	No material new information	
Community Facilities	<p>The applicant has linked this development to the provision of additional football and golf facilities on the west side of Green Street. It should be noted that these facilities are directly linked to specific organisations and therefore these facilities could be considered as not fully public facilities. Also, these are dependent on the approval of a separate planning application by Buckinghamshire Council and approval of this is not guaranteed.</p>	
Affordable Housing	No material new information	
Flooding	No material new information	
Density of Housing	No material new information	
Design of Development	No material new information	

Impact Area	Application 20/0882/OUT 800 Dwellings	Application 20/0898/OUT 300 Dwellings
Sewage	Unrelated to the additional paperwork provided by the applicant, since the original application documentation was lodged, there have been issues with flooding in Whitelands Avenue and the bottom of Blacketts Wood Drive. Investigations by Thames Water have shown that this is related to a hydraulic pinch point in the main sewage network for Chorleywood so that, at times, the network cannot manage the existing demands. In their latest response to the applications, Thames Water have confirmed that the sewage network cannot support the proposed new housing and have asked that specified conditions are fulfilled before any new houses are occupied.	

9.1.6 Environment Agency: [No comment]

There are no environmental constraints within our current remit on this site and the previous/intended uses are not contaminative so we therefore have no comments at this time.

9.1.6.1 Environment Agency: [January 2022 response – No comment]

The Environment Agency is a statutory consultee on all development projects subject to Environmental Impact Assessment so they will both need to be logged onto our system. However, both applications fall under our risk bar as there are no environmental constraints within our current remit. We therefore have no comment to make regarding either application.

9.1.7 Friends of Chorleywood Common: [Objection]

On behalf of the Friends of Chorleywood Common, I wish to object to the proposed development as it is in the Green Belt and an Area of Outstanding Natural Beauty and it would have a significantly detrimental impact on the views from the Chorleywood Common and Conservation Area.

9.1.8 Hertfordshire County Council – Archaeology: [Insufficient information]

We wrote to you in January 2020 in response to a consultation on an Environmental Impact Assessment Scoping Opinion Request for this proposal. In our comments we discussed the archaeological potential of the site and noted the Iron Age and Roman evidence found in the surrounding landscape. We also noted the relatively large size of the site and the likelihood that given the density of archaeological sites recorded in Hertfordshire, a site of this size was likely to contain some heritage assets with archaeological interest.

We recommended that the following investigations be carried out, and the results be submitted with the Environmental Statement:

- An archaeological geophysical survey.
- An archaeological trial trenching evaluation.

This was so that an informed decision can be made with reference to the impact of the proposal on the historic environment.

These recommendations have not been carried out, and the Environmental Statement is therefore unable to assess the site in an informed way which would allow us to use the results to advise you. The applicant has also submitted an archaeological desk-based assessment with this planning application. Although it contains some useful information it was not carried out in consultation with this office and so is deficient in the information it uses to discuss this proposal. For example the Buckinghamshire historic environment record does not seem to have been consulted which is a requirement of the NPPF (paragraph 189) and is significant because the west and north sides of the site lie on and

close to the county border respectively. In any case, our advice to you noted above, did not recommend that such a report was required.

In section 1.4 *Key Heritage Considerations* the *Historic Environment Desk-based Assessment* (DBA) notes (paragraph 1.4.4):

*"The key heritage constraint for the development is the potential for non-designated heritage assets (archaeological remains) to be present below ground. These archaeological remains, if present, will be impacted during construction of the development ..."*

It goes on to say:

*"...the local authority may request a pre-determination archaeological evaluation to identify any buried heritage assets of archaeological interest which may be impacted by the scheme.."*

The DBA also says (paragraph 6.3.1):

*"The potential for archaeological remains to survive across the Site is anticipated to be moderate to good.."*

The Cultural Heritage chapter of the Environmental Statement (ES), notes (paragraph 9.2.3):

*"It is evident that the Site has potential for archaeological remains to be present"*

It also says (paragraph 9.2.46):

*"It is possible that previously unrecorded archaeological sites will have survived within the Site. Therefore, there is an element of uncertainty over the nature, frequency and extent of the below ground heritage assets (archaeological remains). Additionally, due to the buried nature of these assets, there is an element of uncertainty regarding the survival, condition, nature and extent of the known sites identified within the Site."*

We agree with this statement and in the absence of the investigations we requested above are unable to advise you regarding the impact of this proposal on the significance of any heritage assets which may be present at the site.

The ES goes on to say (paragraph 9.5.4.) *"The Proposed Development does not incorporate any mitigation by design in regards to below ground heritage assets."*

In considering this statement, we note the masterplan submitted with this application shows a dense array of housing. Although the southern part of the site does not appear to contain houses, it does include water and SuDS features which will also have an impact on any archaeological remains. Therefore given the above there appears to be little opportunity to accommodate the preservation *in situ* of heritage assets of high significance, should they be revealed by archaeological investigations.

In summary due to the lack of archaeological information submitted with this planning application we are unable to advise you on the implications of this proposal on the historic environment.

#### 9.1.8.1 Hertfordshire County Council – Archaeology (March 2022): [Insufficient information]

The applicant has formally submitted a geophysical survey report to Three Rivers DC with this updated planning application. As far as I can see no other archaeological information has been submitted.

This is the same report that was submitted to this office by Savills on behalf of the applicant in December 2020.

We sent them the following comments on 25/1/21:



*"Many thanks for sending us a copy of the geophysical survey report.*

*My apologies for the delay in replying, we have been extremely busy.*

*I am a little surprised at your request to truncate the archaeological evaluation part way through. Your e-mail below dated 2 October acknowledges that the geophysical survey is to be the first of a two part evaluation, which includes trial trenching as per our advice to Three Rivers DC. We have previously discussed this on the telephone.*

*In addition the geophysical survey report Summary (page i) notes its findings:*

*"A possible pit-alignment has been identified, likely forming boundary features. However, these could equally be natural in origin. Numerous discrete, pit-like anomalies have been identified that could indicate wider settlement activity such as extraction or refuse pits."*

*It goes on to say:*

*"A former watercourse has also been identified traversing the site that corresponds to a valley. While the presence of a former watercourse may make the location more favourable for settlement, there is no clear evidence of this in the survey data. Circular anomalies to the north of the valley may be evidence of ring ditches, but these are very weak and are considered more likely to be natural."*

*Therefore as previously discussed, we look forward to receiving a proposal for the remaining phase of the evaluation, which has some interesting points to clarify."*

We have not received a reply. Our request for trial trenching is in line with our previous advice and the geophysical survey report notes anomalies which may represent heritage assets. The trenching will allow us to assess the significance of these heritage assets as per NPPF and also to look at other areas that are apparently blank and confirm that geological or other interference is not masking heritage assets there. Also, not all types of heritage assets are normally revealed by a single geophysical survey technique.

This information will also allow an informed design for the masterplan which appropriately considers the historic environment. Heritage assets can then be conserved, preserved and/or reflected in the layout of the site.

Therefore as per our original advice to you dated 17/7/20, due to the lack of archaeological information submitted with this planning application we are unable to advise you on the implications of this proposal on the historic environment.

9.1.9 Hertfordshire County Council – Fire and Rescue Service: [Comment received]

We have no objections to this application. There is no detail on the internal layout regards access for emergency vehicles to within 45m of all parts of each residential dwelling. Access and facilities for the fire service should comply with Approved Document B Vol 1. In addition there should be a hydrant within 90m of the entrance to each dwelling.

9.1.10 Hertfordshire County Council – Highway Authority: [Objection]

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

There is insufficient information supplied with this application to enable the Highway Authority to reach a recommendation.

In the absence of the necessary information, the Highway Authority recommends refusal due to doubt over possible implications for sustainability and safety for pedestrians and cyclists and highway layout safety.

The applicant seeks planning permission for the following development:

Outline Application: Demolition of the existing farm building and comprehensive development of the site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access)

The Highway Authority has reviewed the Transport Assessment (TA) submitted for the 300-unit scheme.

### **Sustainable Travel**

The Highway Authority note that all applications are assessed against policies contained within the adopted Local Transport Plan 4 (LPT4). There are a number of policies contained within the document, but underpinning all other policies is Policy 1, as below:

To support the creation of built environments that encourage greater and safer use of sustainable transport modes, the county council will in the design of any scheme and development of any transport strategy consider in the following order:

- Opportunities to reduce travel demand and the need to travel
- Vulnerable road user needs (such as pedestrians and cyclists)
- Passenger transport user needs
- Powered two wheeler (mopeds and motorbikes) user needs
- Other motor vehicle user needs

The Highway Authority has assessed the Transport Assessment against the policies contained within LPT4.

Aside from describing the existing conditions and offering connections to the existing Right of Way, the Transport Assessment does not consider any improvements to the existing infrastructure that may be necessary for a development of this size.

Given that the Transport Assessment seeks to make the case for a lower vehicular trip generation given the proximity to Chorleywood Station (National Rail and London Underground), connections by walking and cycling to both the station and the village centre will be important.

The Highway Authority would seek that detailed consideration is given to the existing routes by way of a walking and cycling audit (PERS or similar), to Chorleywood (station, retail, local facilities and amenities), given the additional persons who will seek to walk from the development, in particular south towards Chorleywood, but also towards St Clements Dane School or community/leisure facilities on Rickmansworth Road.

With respect to cycling, the Highway Authority seeks to consider provision in accordance with guidance contained within CD 195 and LTN 1/20.

It is noted that a shared footway/cycleway is located on Green Street for the length of the site frontage, finishing at approximately 51 Green Street. However, the Highway Authority consider that the applicant should seek to make improvements to this facility given the increased number of trips, in accordance with the aforementioned guidance.

At any reserved matters stage, all internal layouts should be designed to the aforementioned standards. HCC's design guidance Roads in Hertfordshire may also be referenced, although is in the process of being updated; enquiries can be made to the Highway Authority with respect to highway geometry and internal layout as needed.

However, the Highway Authority currently has concerns with respect to pedestrian and cyclist safety using the existing infrastructure.

With respect to bus, the nearest bus stops to the site are accurately identified in the Transport Assessment, located to the south of the site on Green St. The Highway Authority uses the 400m distance criteria to assess accessibility of a site to bus services which is a widely used measure. The Highway Authority require that this is based on actual walking distances, not 'as the crow-flies'.

Existing bus stops would be within 400m of some of the site, but even with 300 dwellings some are currently likely to be over that distance. The bus service available is as stated, the hourly 103/X103 (Mon-Sat) which runs between High Wycombe and Watford and is operated with financial assistance from Bucks CC.

Both TA's state that adding a bus stop outside the site reduces maximum walking distance between dwellings and stops to approx. 450m. This being despite the extent of built up area being much less for 300 dwellings. It is not stated how many dwellings would be over 400m from these stops, but we would prefer that all dwellings were within 400m actual walking distance, and if this is possible through redesign of the masterplan and more direct pedestrian and cycle routes to these proposed stops, this should be pursued. This would be preferable to diverting the service into the site, which would incur extra journey time on the route. Consideration of these issues as well as the supply of isochrones maps for bus accessibility should be provided.

The proposed location of the bus stops for the 300-dwelling development is rather too close to the existing stops south of Orchard Drive (approx. 175m), with the proposals for the 800 dwelling development being preferable in terms of stop spacing and accessibility of the development. Whilst stop location has been chosen to suit the development proposed but stops that are too close together on a bus route is inefficient in operational terms. Moving existing stops further south would make them too close to the next stops on the route. For the 300 unit scheme as assessed within this response, the applicant should seek to address the above point in consultation with Hertfordshire's Passenger Transport Unit.

Whilst the 103/X103 bus service does provide accessibility to surrounding towns, its frequency is not sufficient to encourage regular usage. At 300 dwellings, the development may not be large enough to adequately contribute to improvements to the service for an appropriate period, nor generate patronage that would make any improvement viable in the long term.

The Highway Authority has sought initial views of the bus operator and internally within the Passenger Transport Unit. Whilst further investigation and discussion should be undertaken, there may be issues with improving the 103 service, given that this is a long route that runs out of High Wycombe, and a number of vehicles are needed to run it. A discussion needs to be entered into with the operator to understand the options and whether any increase to the service pattern is feasible, although may be difficult with one extra bus being introduced to the service.

Other options are around existing contract services that operate in Chorleywood such as the R2 service.

In summary, with respect to the bus provision, the Highway Authority is presently concerned that the existing hourly bus service is not going to be sufficiently attractive which without

improvement could lead to new residents using the private car as their first choice. It is noted that depending on where a resident lives in the site, they could be more than 1km from the station which is likely to encourage use of the private car, particularly given the development's location accessed from Green Street and Common Road where lighting and surveillance issues must be considered.

## **Travel Plan**

As an outline application stage, the Travel Plan sets out the framework that the overall objectives and measures for the site. However, an updated Travel Plan would be required during the detailed planning stages to address the following outstanding information:

As an outline application stage, the Travel Plan sets out the framework that the overall objectives and measures for the site. However, an updated Travel Plan would be required during the detailed planning stages to address the following outstanding information:

- National and Local policy should be within the Travel Plan
- Interim TPC contact details should be provided if no official TPC has been appointed yet
- Secondary contact required for any personnel changes to the main contact
- Statement of commitment that is signed from the developer stating that they are commitment to implementing a successful travel plan
- Give an estimated amount of time the TPC role is expected to be allocated per month and the frequency the TPC would be on-site
- Due to the size of the development the Travel Plan should have a steering group with the following: Name, Frequency of meetings and the key stakeholders to attend the meetings.
- Highspeed broadband should be provided to allow homeworking
- A minimum of £50 per flat and £100 per house is required to be given to each dwelling in sustainable travel vouchers
- Once known detailed parking information including cycle parking should be added to the travel plan
- Baseline survey - multi-modal survey should be completed for the baseline survey. The date of baseline monitoring should be agreed with HCC but would be expected to be done around 200 occupations.
- Monitoring: should also refer to HCC Travel Plan guidance and multi-modal counts should also be part of the annual monitoring
- Says monitoring would be done for 5 years, due to the size of the development monitoring should be undertaken annually from baseline until 5 years after full occupation.
- The Travel plan should undergo a full review annually after monitoring
- The Travel Plan should mention that it would be secured via S106 with an evaluation and support contribution of £1,200 annually for the period of the Travel Plan.

The Travel Plan must be secured by S106 with an evaluation and support contribution of £1,200 per annum for the period of the Travel Plan, the Travel Plan should be implemented from first occupation until 5 years post full occupation. The relevant contribution would be calculated on the estimated build rate.

Given the scale and location of the development it would also be appropriate to secure contributions towards the delivery of Smarter Choices measures. These will promote or facilitate travel by non-car modes between the development. Initiatives can include bus vouchers, travel awareness campaigns, promotion of public transport information. The contribution will be calculated during the more detailed phase of the application, but an estimated contribution would be in the region of £80,000

## **Rights of Way and Footway Connections**

The Highway Authority in conjunction with the Rights of Way team considers that improvements should be made to the existing network in order to facilitate trips by sustainable modes onto Green Street and Common Road.

The Highway Authority would seek a link between Footpath 11 and 14 to be constructed on the eastern boundary of the site. This would serve to provide a link to the Clement Danes school as well as increasing the overall permeability of the site. Whilst it is noted that for the 300-unit scheme this is outside of the applicant's red line, it falls within land under the applicant's control. The provision of a link for the 300-unit scheme is seen also seen as improving the sustainability of the site and providing an access to the Clement Danes school.

The exact specification should be discussed with the Rights of Way team, although this may take the form of a macadam path, in accordance with the latest guidance on the segregation of cyclists and pedestrians.

Footpath 14 (550 LM) on the site's southern boundary should be upgraded to a macadam surface with wide grassy margin for multi-use by vulnerable non-motorised users with respect to cycleway design standards. The Highway Authority is seeking improved access on this path taking the form of an upgrade to allow cycle use. We would seek a macadam surfaced width to accommodate both cyclists and walkers with grassy margins to form a 6-metre min green corridor along the edge of the estate concurrent with the Definitive line.

The Parish Council (Chorleywood) do not want to encourage cycle access across the common; the common is under their control, but cycle access to the common and connecting all-purpose highways should accord with HCC policy . This is important as it also links to the village and station . Further engagement with the Rights of Way team is therefore needed on this issue.

Footpath 14 (W165 LM) where it crosses from the site's south-eastern boundary linking to Common Road should be improved to facilitate additional trips. Improvement should be made to the existing natural surface to form a compacted granular surface concurrent with the common.

As noted above, the Highway Authority is seeking improvements to the existing Right of Way network and a further pedestrian/cyclist link on the site's eastern boundary.

In terms of links to Chorleywood, both via Green Street and also Common Road (which may be attractive for some residents accessing the station), or the public house and community centre, the Highway Authority is seeking a comprehensive audit of pedestrian and cyclist links, both using the existing footways and Rights of Way. The materials as submitted thus far do not give the Highway Authority confidence that pedestrian and cyclist links are satisfactory and that residents would wish to make use of these over the private car. This leads to doubt with respect to compliance with HCC LTP4 policies.

### **Site Access**

The Highway Authority note the submission of drawing number SK24 which illustrates the site access point, proposed crossing, with the visibility splays shown on drawing number SK23.

With respect to the proposed site access on Green Street, the Highway Authority would be seeking that a higher level of visibility may be achieved given the existing 60 m.p.h. speed limit.

The Highway Authority would, however, seek a reduction in the speed limit on a section of Green Street to be agreed to a 30 m.p.h. limit. Any proposed change to the speed limit

should be first agreed with the County Council's Speed Management Group. Given that no prior consultation or approval with the Speed Management Group has been undertaken, the visibility splays should be shown in accordance with the existing posted limit. Speed surveys should be commissioned in consultation with the Highway Authority. Further to the above, given the existing speed limit, the Highway Authority would have concerns with respect to a proposed crossing to the west side of Green Street.

Should the applicant not proceed with a review via the Speed Management Group, a Road Safety Audit (Stage 1) should be submitted with the existing limit in place.

A Stage 1 Road Safety Audit should also be supplied on the basis of any successful application to the Speed Management Group illustrating the extent of the changes to the limit alongside the proposed access strategy/crossing point.

## **Assessment**

The TA presents an assessment of the forecast trip generation and distribution.

The Highway Authority has reviewed the methodology and would like to make the following comments.

For the modal split using Temprow, the Highway Authority would seek that the journey purpose data is further broken down, for example in education, this should be primary/secondary, for retail, this should be food and non-food retail and other should be personal business/leisure.

Given the fairly low vehicular trip rate produced by the applicant's calculations, the Highway Authority would seek this further element of robustness.

It is also noted that given the site's position from Chorleywood, with no improvements to the footway/cycleway network, that trips using the underground/rail, may choose to in part to access the station by car or kiss and ride.

The Highway Authority also queries the very low number of cycle trips predicted.

With respect to the distribution, it is recommended that this is also done by journey purpose. The modal split has been undertaken using journey purpose, so the Highway Authority would recommend that this is also applied to the distribution.

The Highway Authority notes that the employment distribution is heavily weighted towards the north, whereas a more detailed analysis may suggest otherwise.

A more detailed distribution reflective of where people want to go may provide more evidence of the need to improve routes towards Chorleywood and the local schools.

## **Modelling**

With respect to assessment of the proposed development on the local highway network, the Highway Authority recommends that the developer gives consideration to testing the proposed application using the County's strategic transport model, COMET. To this end, the applicant is advised to contact the Highway Authority in order to initiate discussions with respect to its usage. It is noted that the site does not feature in the County Council's current strategic model run.

The Highway Authority has noted that the 800-unit scheme should be tested using the COMET strategic model. The Highway Authority is not requiring such a test for the 300-unit scheme, although for additional robustness, this can nevertheless be considered by the

developer should the Highway Authority be approached with respect to commissioning model runs for the 800-unit scheme.

The Highway Authority notes the submission of junction assessments in the study area. Detailed comments will be provided on the robustness of the junction models should the above information with respect to the trip distribution/generation be provided.

## **Mitigation**

Subject to Highways England response for M25 J18 and the assessment which needs to be provided for M25 J17, the Highway Authority may make further comment on the proposed mitigation as outlined within the TA. All mitigation proposals should be accompanied by a Stage 1 RSA.

## **Conclusion**

In conclusion, this response has identified the need for the supply of further information.

The Highway Authority has requested that includes the further splitting of the journey purpose and distribution by journey purpose.

With respect to the proposed onto Green Street, this must be assessed on the basis of the existing speed limit (and not any proposed limit prior to the matter being taken to the Speed Management Group), and as such, this leads to doubt with respect to highways safety

An assessment of the application shows that the Transport Assessment has not demonstrated compliance with LTP4 policies and this to doubt to travel by sustainable modes.

At present, the Highway Authority has insufficient information and therefore recommends refusal of the planning application.

### **9.1.10.1 Hertfordshire County Council – Highways (Response 2, March 2022): [No objections]**

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:

#### **CONDITIONS:**

##### **New Access (Design) – Green Street**

No development shall commence until full details (in the form of scaled plans and / or written specifications), have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- i. Roads, footways;
- ii. Cycleways.;
- iii. Visibility splays;
- iv. Road Safety Audit; and
- v. Access arrangements.

#### **Reason:**

To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)

##### **New Access (Delivery) – Green Street**

Prior to the first occupation of the development hereby permitted, the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing numbers SK41/42. Arrangement shall be made for surface water drainage to be intercepted

and disposed of separately so that it does not discharge from or onto the highway carriageway.

**Reason:**

To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

**Off-Site Highway Infrastructure Works**

No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to show the off-site highway works on Green Street, as illustrated on drawing numbers SK41, SK42, SK43, SK44 and SK45, SK46 and SK47. Prior to first occupation, these works shall be constructed to the satisfaction of the Local Planning Authority, in consultation with the Highway Authority.

**Reason:**

To ensure construction of a satisfactory development and in the interests of highway pedestrian and cyclist safety in accordance with Policies 5, 7 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

**Public Transport Infrastructure**

Prior to the commencement of the development, details of the public transport infrastructure shall be submitted to and approved in writing by the Local Planning Authority. This infrastructure shall comprise of but is not limited to the following:

- Details of bus stop facilities to include raised height kerbs and shelters and real-time information signs, where agreed;
- Bus priority measures where appropriate within the Spine Road; and
- A programme for the delivery of the public transport infrastructure.

**Reason:**

To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

**Construction Traffic Management Plan**

No development shall commence until a Construction Traffic Management Plan (in accordance with the best practice guidelines as described in the Construction Logistics and Community Safety (CLOCS) Standard), 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 Traffic Management Plan shall include details of:

The plan shall include the following:

- i. The construction programme and phasing;
- ii. Hours of operation;
- iii. Details of any highway works necessary to enable construction to take place;
- iv. Details of any works to or affecting Public Rights of Way within and in the vicinity of the site These details shall demonstrate how safe and unobstructed access will be maintained at all times;
- v. Details of servicing and delivery, including details of site access, compound, hoarding, construction related parking, loading, unloading, turning areas and materials storage areas;
- vi. Where works cannot be wholly contained within the site, a plan should be submitted showing the site layout on the highway, including extent of hoarding, pedestrian routes and remaining road width for vehicle movements and proposed traffic management;
- vii. Management of construction traffic and deliveries to reduce congestion and avoid school pick up/drop off times, including numbers, type and routing;
- viii. Control of dust and dirt on the public highway, including details of wheel washing facilities and cleaning of site entrance adjacent to the public highway;
- ix. Details of public contact arrangements and complaint management;
- x. Construction waste management proposals;



- xi. Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
- xii. Post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
- xiii. Measures to be implemented to ensure wayfinding for both occupiers of the site and for those travelling through it.

**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).

**Monitoring**

Prior to commencement of any development the submission and agreement of a mechanism of continual review of the transport impacts of the development to include (but not be restricted to) the installation of traffic counters upon each access, travel plan monitoring and regular dialogue between Developer, Local Planning Authority and Highway Authority. The findings of this work shall be shared between all interested parties with a view to remedying any problems arising directly from the construction or occupation of the development.

**Reason:**

To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

**Travel Plan**

At least 3 months prior to the first occupation of the development, a detailed Full Travel Plan, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Travel Plan shall be implemented at all times.

**Reason:**

To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

**Rights of Way (PART A)**

Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

**Reason:**

To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor and in accordance with Policy 5 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

**Rights of Way (PART B)**

Prior to commencement (where appropriate) and/or prior to the first occupation/use of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

**Reason:**

To ensure that the highway network is adequate to cater for the development proposed and in accordance with Policy 5 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

**Maintenance of Streets - Outline**

Prior to the occupation of any dwellings within any Parcel of the development, full details shall be 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 that Parcel. Following the provision of such streets, 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 or a Private Management and Maintenance Company has been established in accordance with the approved details.

**Reason:**

To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan 2018.

**Detailed Highways Plans – Outline**

Prior to the commencement of the development, full details in relation to the design of estate roads (in the form of scaled plans and / or written specifications) shall be submitted to and approved in writing by the Local Planning Authority to detail the following:

- a. Roads;
- b. Footways
- c. Cycleways (compliant with LTN 1/20);
- d. External public lighting;
- e. Minor artefacts, structures and functional services;
- f. Foul and surface water drainage;
- g. Visibility splays;
- h. Access arrangements including temporary construction access
- i. Hard surfacing materials;
- j. Parking areas for vehicles and cycles;
- k. Loading areas; and
- l. Turning and circulation areas.

No development shall be occupied until the detailed scheme has been implemented. The development shall be implemented in accordance with those approved plans.

**Reason:**

To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan 2018.

**HIGHWAY INFORMATIVES:**

Hertfordshire County Council (HCC) as the Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

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

AN4) S106 Agreement. A Section 106 agreement will be required for the following:

- i. Approved Travel Plan(s), with individual monitoring fees (and contributions for remedial actions should targets be missed), in accordance with the current HCC Travel plan guidance document for business, residential and education development (March 2020). Individual Travel Plans will be required for each land-use (should any non residential development be included at a later stage), which is of sufficient size to require the preparation of such a plan;
- ii. Bus Contribution (£175k x 5 years); and
- iii. Sustainable Travel Voucher.

AN5) Construction standards for works within the highway: 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 38 and 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>

AN6) The Public Rights of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. In addition, the following should be noted:

- 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; and
- All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

#### **COMMENTS:**

The applicant seeks planning permission for the following development:

Outline Application: Demolition of the existing farm building and comprehensive development of the site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access) | Land East Of Green Street And North Of Orchard Drive Chorleywood Hertfordshire

The Highway Authority note the first submission of this planning application in April 2020. The Highway Authority provided a formal response to the Local Planning Authority at the time.

It is noted that the development quantum remains the same with this application.

The Highway Authority held a number of technical meetings with transport consultant Origin which covered a number of works areas identified within our formal highways and transportation response.

This has included matters relating to trip generation and distribution, highway layout and visibility, modelling, mitigation and sustainable transport measures.

The development site is located to the north of Chorleywood village, with vehicular access proposed from Green Street.

Green Street is a 'C' classified road and a local distributor road in the Hertfordshire roads hierarchy. A single access point is proposed, with an emergency access to the north of the application site. Pedestrian access is shown to be provided directly onto Green Street and also onto Common Road via Chorleywood Common. Common Road is also a 'C' classified road and a local distributor road in the Hertfordshire roads hierarchy.

The application site lies on the edge of the urban area, although local facilities, amenities and public transport are available within a fair walking distance. This notwithstanding, it is noted that connectivity, in terms of walking, cycling and public transport needs careful consideration and assessment of sustainability issues. This is owing to in parts poor existing infrastructure and the character of the immediate surrounding area to be semi-rural in character. The Highway Authority, for example, note that the speed limit on Green Street on the application frontage is 60 m.p.h. and is bounded by dense vegetation/trees. The applicant's proposals do little to promote an active frontage on its boundary with Green Street in terms of enhancing surveillance and pulling northwards the suburban character of the southern section of Green Street.

The Highway Authority note the submission of revised documentation which includes Appendices A through to F.

With respect to the 300 home scheme, the initially submitted Transport Assessment is noted followed by a suite of Technical Notes which seek to respond to comments made by the Highway Authority. It is therefore understood that the information contained within the Technical Notes seeks to put forward the applicant's position with respect to mitigation. The Highway Authority's initial response to the planning submission in 2020 should be used for reference purposes for highlighting areas of concern.

Agreement has been reached on a number of technical issues with transport consultant Origin, including on trip generation/distribution, vehicular visibility splays and modelling. Given that agreement has been reached on these matters, the initial technical concerns raised by the Highway Authority are not repeated within this response.

## **Sustainability**

The Highway Authority note the submission of Appendix D, Sustainable Travel Tech Note 6 V2.

The proposed mitigation may be summarised as below:

- i. Green Street (adjacent to site): footway /cycleway widening to 4m;
- ii. Green Street Junction with Orchard Drive: a partial set back of the footway /cycleway with marked priority;
- iii. Green Street (south of the site): footway /cycleway improvements including widening the footway /cycleway to 3m, tactile paving and better signing;
- iv. Green Street north of service roads: parallel crossing;
- v. Green Street southern end: re-painting of zebra crossing;
- vi. Station Approach: re-painting of the zebra crossing;

- vii. Common Road: It is proposed to provide a tactile crossing point at the junction of Gilliat's Green with Common Road;
- viii. An additional 20 cycle parking spaces at the railway station.

## **Walking**

The Highway Authority has raised concerns with the submitted Transport Assessment (April 2020), with respect to consideration of walking routes. The applicant's own assessment materials note a number of issues.

The principal desire lines from the site are considered to be towards Chorleywood railway station and village either via Green Street or Common Road.

However, other destinations to the north of note include St Clement Danes School, Chorleywood Lawn Tennis Club, Chorleywood Cricket Club, Christchurch C Of E Church and a number of leisure facilities around the common. These facilities are located to the north of the site.

It is noted that further to comments made by the Highway Authority, the transport consultant has undertaken an audit using the "Walking Route Audit Tool" from the Department for Transport guidance "Local Cycle and Infrastructure Plans".

Whilst the supporting narrative has reviewed in part links to the north of the site, it is clear that the applicant has focused principally on routes towards Chorleywood railway station and village. It may be considered that connectivity to the north is presently poor, for example, there are sections of Common Road to the north of where it meets Footpath 32a that would require pedestrians to cross over to the east side to use the footpath on the Common itself. The Highway Authority consider that connectivity to amenities and facilities to the north of the site is poor. As such, the Highway Authority consider that improvements within the applicant's land that, for example, that can facilitate new links to Clement Danes School and along footpath Chorleywood 011 to take on more significance. This matter should be addressed further at the Masterplanning stage. More direct links, for example, by way of a footpath on the site's eastern boundary have been suggested by the Highway Authority in order to improve connectivity.

The mitigation measures included within the Sustainable Travel Technical Note have nevertheless focused on improvements to Green Street on the site frontage and south into Chorleywood.

The proposed enhancements to Green Street are acceptable in principle with respect to access on foot. It is noted that the applicant proposes a Zebra crossing on Green Street (shown on drawing number SK 30 Rev B, with extract below) to the north of the service roads at approximately number 45/56 Green Street. Whilst such a provision is welcomed, this should be subject to a Road Safety Audit. The Highway Authority notes the gradient on the approach to the crossing, which from the north may encourage higher than desirable vehicular speeds. Evidence of satisfactory 85th percentile speeds should be supplied to accompany a Road Safety Audit.

Drawing number SK 30 B FOOTWAY / CYCLEWAY AND ZEBRA CROSSING IMPROVEMENTS (see below extract) also shows the existing Zebra crossings at the southern end of Green Street and Station Approach are to be repainted. The Highway Authority welcomes this measure.

It is noted that using an alternative route to the station via Footpath 14 (via Common Road), the only improvement proposed on the public highway is a tactile crossing point at the junction of Gilliat's Green with Common Road. It is noted that cycling is not permitted across the Common, although the applicant's provision is shown on Green Street.

## **Cycling**

The Highway Authority note that the revised documentation contains details of a shared footway/cycleway on Green Street which seeks to upgrade the existing (footway) provision.

The drawings show a shared footway/cycleway on Green Street.

No analysis appears to have been made available of the potential flows of pedestrians and cycle users along Green Street with the development (whether 300 or 800 units), in operation. This has a bearing on whether a Shared-Use path would be suitable (ref. LTN 1/20 6.5 and Table 6-3), with regard to pedestrian/cyclist interactions, although the preference is for fully segregated pedestrian and cycle provision.

Partial setback and full setback junctions to LTN 1/20 Figure 10.13, such as those shown on the drawings, are likely to be unacceptable on Road Safety grounds within speed limits above 30mph. This would need to be subject to further review, such as on the site access itself, although a solution is considered feasible. The HCC Road Safety Team has stated elsewhere that such junctions are only suitable on roads with a maximum 30mph speed limit (this is less than the 40mph indicated in LTN 1/20).

A buffer strip should ideally be provided between the cycle track or Shared-Use path. Its width should be as recommended in LTN 1/20 Table 6-1. This could fit with continued provision of bollards along the path edge.

Assuming that the site access crossing for cycles and pedestrians cannot follow precisely the format of LTN 1/20 Figure 10.13, the junction should be designed to maximise the safety of pedestrians and cycle users.

- Entry and exit kerb radii should be minimised, for example to 4m.
- The crossing length should be minimised. If the crossing(s) for pedestrians and cycles includes a central refuge island, then that should include a waiting area at least 3m x 3m.
- The crossing location should be considered in relation to speeds of vehicles turning from Green Street.
- Visibility splays in accordance with LTN 1/20 Section 5.8 and Table 5-6 should be provided, both for cycle users approaching or waiting at the cycle route give way markings and for general traffic approaching the crossing used by cycle traffic.

Whilst the Highway Authority does seek an arrangement which provides a continuous crossing for cyclists across the proposed site access junctions (and one in keeping with the principles of LTN 1/20), it is clear that some modifications to the proposed access are necessary. This may include moving the cycleway/footway which goes across the junction (currently shown as set back approximately a vehicle length back from Green Street), further into the site and more tapered radii than what are presently shown. It will also be necessary to design a feature at the junction mouth that discourages cyclists from simply going straight across the junction. Other safety features such as a central refuge may be necessary. The design should be subject to a Road Safety Audit. The Highway Authority note that the applicant has not provided such a document despite a request for one.

Conditions for cycling along Shire Lane through the railway bridge are poor, yet a primary destination for non-commuting utility cycling and walking would appear to be Lower Street, accessed through this bridge. It would be possible to introduce signals for one-way traffic flows through the bridge, both to reduce the risk of bridge strikes and to provide wider footway. Cycles would still need to use the road, which would be less constrained because there would be no opposing traffic flow.

## **Drawing SK42**

The junction layout is akin to those shown in LTN 1/20 Figures 10.13 and 10.15, but some of it is contrary to those.

1. It would be preferable to have separate footway and cycle track along the road, segregated from each other by a 60mm kerb. The cycle track should be 3m wide.
2. The road has a speed limit of 60mph, for which we would want a buffer strip 2.5m wide (absolute minimum 2.0m) between cycle track and carriageway. If the speed limit will be lowered, then narrower buffer may be provided (see LTN 1/20 Table 6-1). In this location I would anticipate that the buffer might be a grassed verge, with bollards or other measures if parking on the verge is likely to be an issue. Should we end up with a Shared-Use path, I would still want to see this buffer provided.
3. The side road exit and particularly entry radii should be much tighter. LTN 1/20 Figure 10.15 recommends a maximum radius of 6m, and we should go for smaller if possible. The purpose is to slow turning traffic before they need to give way to cycles or pedestrians.
4. As the splitter island is not a pedestrian refuge, it could be reshaped and/or moved further from the carriageway edge, which might facilitate right turns into the side road given the smaller radii requested above.
5. The Shared-Use path radii look tight. LTN 1/20 Figure 10.15 stipulates at least 4m radius, and the plan gives the impression that much larger radii are possible. I would want to see larger/gentle radii provided.
6. The set back from carriageway to side road crossing looks like it exceeds the minimum 5m, which is good. However, it would be helpful to have the minimum dimension specified on the drawing.
7. We would expect the Shared-Use path (or footway and cycle track if provided instead) to be on a raised table across the junction. The ramps should have speed hump markings, as indicated on LTN 1/20 Figures 10.13 and 10.15.
8. Visibility splays 31m along the Shared-Use path in both directions should be provided as shown within LTN 1/20

#### **Drawing SK42**

1. Points 1 and 2 above apply.
2. If separate footway and cycle track are provided, a Shared-Use section or bus stop boarder arrangement will be needed at the bus stop.
3. Immediately south of the bus stop is some sort of access. If this is a pedestrians only access then tactile paving will be needed where it joins the Shared-Use path or cycle track.
4. South of the site access a line of dots is shown across the pedestrian and cycle route. What are they?
5. Orchard Drive: points 3, 5, 6 and 7 above apply.

#### **Drawing SK43**

SK42 points 1, 2, 3, 5, 6 and 7 above apply.

Whilst the Highway Authority welcomes the principle of mitigation to Green Street which seeks to promote walking and cycling, it is clear that further work is necessary to produce a satisfactory arrangement. However, the Highway Authority is content to accept the principle of the proposed access arrangement and off-site highways works, which subject to further design work (and Road Safety Audit), are likely to be acceptable.

#### **Rights of Way**

The Countryside and Rights of Way (CRoW) team has been engaged with the development proposals (via the Highway Authority), and the improvement plans put forward. Comments have been issued to the applicant's transport consultant on a number of occasions.

The CRoW team note the HCC document, Non-Motorised Routes: A Design Guide which contains detail of specifications for various types of Right of Way. When considering improvements or new routes, the CRoW team seek to implement the principles as contained within this document.

It is noted that the aforementioned document refers to definitive widths of six meters for all non-motorised multiuser routes, including the upgraded routes of FP 11 and in particular FP 14 which comprises a 3 meter bound surface for cycle/pedestrian users, alongside a 3 meter wide grassy margin. The latter acts as a refuge to reflect the multi user nature of the path.

However, paragraphs 4.5 and 4.6 only refers to the three meter bound surface and makes no reference to the three meter grassy margin that would make up a definitive width of six meters. It is noted that FP 14 is mostly within the application site and there is a change in levels between the walked line (between hedges), and the applicant's land (field margin) to the northern side of the path; the applicant has the space necessary to establish a wider route (6m) to accommodate all vulnerable non-motorised users. The applicant should clarify in more detail what they can offer along this section.

For Footpath 14, HCC would seek a macadam surface suitable for cycle use and an upgrade in status to cycle track whilst retaining the Definitive Status of Footpath .

The section from Green Street to the common edge should be upgraded for cycle use in order to form a cycle way concurrent with FP 14. HCC would envisage a green corridor route containing the existing DM line and an abutting macadam cycle route including a verge /green margin . The width request of six meters allows this to be fitted within in the existing topography .

HCC would seek to include work on the full length of the path, including the section beyond the application site and then across the common, working to improve the surface within the available definitive width over land outside the applicant's control. HCC note that Chorleywood Parish Council are responsible for the common. It is noted that the desire line across this section of the common actually runs east-west and onto Old Common Road (and not on the definitive line).

Work on the section across the common would be subject to Secretary of State for the Environment approval. The macadam surface treatment across the common should be to a 'heritage' standard; this may be coloured material to reflect the nature of the common.

The applicant refers in paragraph 2.4 to access to the school from the proposed development site via FP 11 and in paragraph 4.5 makes reference to improvements to facilitate users, "if sufficient land is available at the Old Common Road end of FP 14". More information is needed on what the applicant plans to provide within their site with reference to HCC's NMR document how the applicant plans to mitigate the effect of their development on FP 11 & 14 whilst ensuring improved access is provided in limited space.

The status of the proposed cycle/ footway connections across the site shown as two green dotted lines (see map extract below), are not clearly defined. The applicant's intention whether these are sought to be adopted by Hertfordshire Highways or dedicated as Definitive Rights of Way should be clarified in terms of formal status. It is also noted the planned widths do not relate to HCC's NMR document.

The applicant has also not clarified status of the estate roads which serve as connections to the dotted green cycle/footways. If public access is to be established the legal status of the estate roads must be addressed for clarity along with the status of the green dotted routes .

It is noted that the applicant has attempted to deliver the desire lines identified in our previous comments as summarised in paragraph 6.5, so linking FP 11 to 14 through the site appears to be intended, although the status and width of the estate roads and the linking paths needs clarification as does the proposed increase in width of FP 11 (see statement



above), which has a recorded existing width that varies between 6ft to 3-5 meters & FP 14 currently recorded at a width of 3ft.

Footpath 13 links to the side gate of the secondary school ( St Clement Danes ). The school promote this as a main access point for students on foot and as such it is a very heavily used path . This route also serves as access to Chorleywood House estate managed by the parish council, offering sports facilities and access to the River Chess (chalk stream), so is a considerable public draw.

HCC would seek an extension to the macadam surface on FP 13 to link from the school side gate east - west (55LM) to link to the proposed development site boundary and the new link routes. This is not presently shown.

It is noted that there is an existing non-definitive pathway from FP 13 running east to west along the application site boundary to link to Green Street .

This is used by the school at present and we would seek to establish a multi user route along this line or immediately to the south with in the application site , the drawings are unclear as to the boundary position in relation to this path .We would again refer the applicant to our 2 NMR Design Guide , requesting a suitable legal status to reflect cycle and pedestrian use , a 6 meter green corridor including a macadam multi-user surface and grass verge would be our preference.

HCC has previously asked for a new route that runs along the eastern boundary of the site, linking FP 14 and 11 in the most direct form. Given that no improvements are proposed on Common Road (either to the existing footway or a crossing to the east side of Common Road, or improvement to the footpath on the common), it is particularly important to understand the status of the estate roads and footways , with reference to adoption if they are to be considered as links to the Definitive Rights of Way network .We are particularly concerned as the applicant has indicated the use of the estate carriage/ footway system on both schemes as links in/out of the site for residents . Whilst such links are welcomed we are seeking links both in and out and through the site for the public and as such, HCC seek to secure legal status for these routes either as adopted highway or dedication as Definitive Rights of Way/Cycle Track.

Given that there remain some issues outstanding, the Highway Authority recommend the preparation of a Rights of Way Improvement Plan document, to be agreed in conjunction with the CRoW team and the Highway Authority. A planning condition to this effect is recommended (see proposed planning conditions at the beginning of this response).

## **Public Transport**

### **Train**

It is noted that Chorleywood railway station is located approximately 1km from the site and therefore within walking distance. The station may be reached via Green Street or Common Road.

Chorleywood station is served by both National Rail and London Underground services. Transport for London (TfL) has made comment under separate cover with respect to the access requirements of the station and accommodating the additional trips generated by the development.

It is further understood that additional cycle parking is to be provided at the station which is welcomed. It is likely that some residents may wish to cycle to the railway station.

### **Bus**

The Highway Authority has noted that some parts of the site would be over 400m walk to the proposed bus stops.

The Sustainable Travel Note states that “It should be noted that approximately 66% of the dwellings are within 400m and 95% within 600 metres. The pedestrian routes to the bus stop are already very direct but this will be considered in more detail at reserved matters stage.”

It is noted that the applicant seeks to place two new bus stops on Green Street.

Both TA's state that adding a bus stop outside the site reduces maximum walking distance between dwellings and stops to approx. 450m. This being despite the extent of built up area being much less for 300 dwellings. As above, it is now stated how many dwellings would be over 400m from these stops, but we would prefer that all dwellings were within 400m actual walking distance, and if this is possible through redesign of the masterplan and more direct pedestrian and cycle routes to these proposed stops, this should be pursued. This would be preferable to diverting the service into the site, which would incur extra journey time on the route.

It is noted that two new bus stops are to be provided on Green Street as stated in paragraph 5.4 of the Sustainable Travel Note. “The two new bus stops that will be provided near the emergency and pedestrian / cycle access will include flags and shelters.” The Highway Authority welcome such provision, although note that for some parts of the site are over 400m walk to such stops.

Whilst the 103/X103 bus service does provide accessibility to surrounding towns, its frequency is not sufficient to encourage much usage. Given the presently poor accessibility to bus services, the Highway Authority is seeking a contribution towards bringing a bus route into the site. Whilst the site is within walking/cycling distance of the town centre and rail station, residents are likely to want to travel further afield and to a wider range of destinations than are possible via direct rail services and the proximity of stops at the site and better bus services would encourage these journeys to be made by sustainably.

The Highway Authority has advised previously that for a site of this size, prospective residents should have access to a bus service.

Origin note that “A meeting was conducted with Carousel Buses on 12th May 2021, where it was advised that the 103 service is a 1.5 hour end to end service with no available time within the service to accommodate diversions. Carousel advised that it would therefore not be desirable to run the service into the site.”

The above notwithstanding, the Highway Authority has made consultations with HCC's Passenger Transport Unit.

It is the opinion of the Passenger Transport Unit that the applicant should widen the scope when considering the provision of bus services for the site. It is considered that it could be feasible to provide dedicated facility by diverting and/or enhancing the existing R1 and R2 services (which serve Chorleywood).

The Highway Authority would seek pump priming of this service to a value of £175k p.a. for a period of five years (to be paid prior to occupation of the first dwelling and prior to or on the anniversary of the occupation of the first dwelling). This would be secured via a Section 106 contribution.

The Highway Authority consider it of key importance to provide such a bus service that can route into the site in order to demonstrate compliance with the provisions of Local Transport Plan 4. The site's position on the northern periphery of Chorleywood makes it important to

ensure that suitable bus provision is made as walking via Green Street/Common Road, particularly at night (being on the edge of an urban area or access via the common), may not be attractive to some and will ensure that more car trips are made.

### **Bus vouchers**

The Highway Authority would seek via Section 106 agreement the provision of bus vouchers in order to encourage the usage of public transport from the outset of the development. This would provide vouchers that could be used for three months.

£70 per month (indicative bus fare cost) x 3 = £210

£210 x 300 = £63,000

Voucher printing cost @ £1 per booklet (each booklet is the value of £70 – 3 booklets per household)

3 x 300 = £900

Reimbursement process/design time: £4,000

Travel Awareness campaigns/PT information: £10,000

Total £77,900

### **Travel Plan**

As this development is a large residential development, a comprehensive Full Travel Plan will be required. The applicant has submitted a Residential Travel Plan. At this outline stage, the Travel Plan is acceptable, although prior to first occupation, should be updated (in consultation with Hertfordshire's Travel Plan team), to accord with our guidance.

A review of the applicant's Travel Plan and recommended changes is contained within Appendix A of this response.

The residential development will require a Full Travel Plan and £6,000 Evaluation and Support Fee and should be secured by Section 106 agreement in accordance with Hertfordshire County Council's Travel Plan Guidance for Business and Residential Development. This should incorporate measures to promote sustainable transport, an appointed travel plan coordinator and an appropriate monitoring programme.

Full guidance is available at:

[www.hertfordshire.gov.uk/travelplans](http://www.hertfordshire.gov.uk/travelplans), or for more guidance contact: [travelplan@hertfordshire.gov.uk](mailto:travelplan@hertfordshire.gov.uk).

The Plan should include targets that will be assessed using surveys and which monitor actual trip generation against the predicted trips (including trips by modes) as identified in the TA to confirm the effectiveness of the mitigation measures identified in the Travel Plan. Surveys to include:

- i. An ATC at each of the entrances to the development;
- ii. A questionnaire survey to determine how people are travelling; and
- iii. Usage statistics for the bus service.

Monitoring would be undertaken 9 months from the occupation of the 1st dwelling and repeated every 12 months for a period of 5 years.

In support of the Travel Plan, residents will be encouraged to make use of the bus service, through the provision of initial free travel. It should take the form of the provision of Travel Vouchers to claim an initial three-month free travel on the bus service, on the basis of one ticket per household. The cost of such provision is estimated at £77,900 to be secured via a S106 agreement (this may be negotiated in conjunction with the local bus operator). This excludes an additional figure for marketing and printing of the vouchers.

The travel vouchers would be redeemed with the bus operator. It is estimated that a three-month voucher would cost £210 (pooled vouchers), multiplied by the total number of residential units. The vouchers would be for individual journeys and could be pooled across

a household. This is considered sufficient to allow all members of a household to try using the bus a number of times.

### **Access**

The applicant has proposed a new access onto Green Street, as illustrated on drawing number SK42.

The Highway Authority note the discussions with the transport consultant on establishing that the principle of the access is satisfactory, including the preparation of a Visibility Splays Technical Note.

However, subsequent to comments made with respect to improving cycling infrastructure, some improvement to facilitate cycling and pedestrian trips are necessary, although the precise form of a LTN 1/20 compatible solution is considered to necessitate further design work by the applicant.

### **Junction Assessments**

Extensive commentary has been supplied to the transport consultant relating to the methodology used for the modelling assessment.

The Highway Authority is content that the impact on the local highway network for the development may be accommodated and as such, has no further comment on this particular technical area.

### **Conclusion**

The Highway Authority has reviewed the revised materials preparation in submission of a planning application for 300 dwellings, with all matters reserved except for access.

It is noted that agreement has been reached on the methodology used for the trip generation, distribution and modelling.

The Highway Authority has established that the development may be satisfactorily accommodated in vehicular capacity terms on the local highway network, with an attendant access strategy from the site onto Green Street.

An indicative Masterplan has been supplied as part of the outline planning application. It is clear that at reserved matters stage, further work will be necessary, both in terms of improving pedestrian linkages to/from and within the site and also in terms of bringing public transport services into the site. A comprehensive Rights of Way Improvement Plan is recommended and a condition to this effect is contained within this response.

Within this response, the Highway Authority has made detailed comments with respect to the proposed pedestrian and cycle infrastructure on Green Street. The Highway Authority is of the view that a suitable scheme is feasible, although will be seeking amendments to the design to ensure both better connectivity and address safety issues.

In terms of sustainable transport, the public transport offer proposed within the Transport Assessment is not considered to comply with LTP4. It is clear that through a Section 106 agreement that a bus service is necessary to route into the site. This will address the site's relative isolation to useful public transport services and further avoid users waiting for buses on Green Street, or walking longer than desirable distances to access such provision. It is considered that agreement on this matter is of key importance to ensuring a sustainable development in accordance with LTP4. The public transport provision should also be supported by a sustainable travel voucher and an updated Full Travel Plan.

In summary, the Highway Authority does not wish to restrict the grant of planning permission, subject to the inclusion of the planning conditions and obligations as detailed within this response..

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

The Flood Risk Assessment carried out by Cole Easdon Consultants Limited, reference 7189, issue 2, dated April 2020 and the information submitted in support of this application does not currently provide a suitable basis for assessment to be made of the flood risk 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;

1. Clarification of location of SuDS features in mapped surface water flow path.
2. Provision of adequate treatment and management for runoff from the road.
3. Clarification of contributing drainage area.
4. Confirmation of safe access and egress.

Overcoming our objection

To address the above points, please see the below comments

- 1) Following review of the Environment Agency's Risk of Flooding from Surface Water maps and the submitted Existing Site Layout with Surface Water Flow Paths Sheet 2 of 2, ref: 7189/501, dated: March 2020, there appears to be two surface water flow paths identified at risk from the 1 in 30, 1 in 100 and 1 in 1000 year rainfall events. The first flows across the site from north west to south east and the second is located along the eastern boundary of the site. We understand that a series of attenuation basins and an infiltration basin acting as the discharge point are proposed to be located within the central flow path crossing the site. This will require further clarification as the surface water storage and SuDS have the potential to become compromised as their locations have been identified as being at risk from surface water flooding. In addition, we will require clarification on whether the basins are acting as attenuation for surface water from the proposed development or for the flow path or a combination.

We note that an exceedance infiltration trench has been proposed in the south east corner of the site following the infiltration basin. We will require further review and detail of this feature due to the potential for over-topping whereby surface water from the site would flow towards existing residential areas.

- 2) We note that the site is located within Groundwater Source Protection Zone 2 (SPZ 2) and that Affinity Water have provided comments (dated: 17.07.2020) identifying this site as corresponding to the Mill End Pumping Station which provides public water supply. At this point in time, the Proposed Drainage Layout (ref: 7189/502, rev: C, dated: 14.04.20) shows part of the road system directly connected into two of the proposed attenuation basins. This is currently unacceptable as the runoff is attenuated before discharging to the infiltration basin and into the ground with no further treatment or management. As the site is located in SPZ 2, we will require adequate treatment and management of all runoff from the road before discharge into the proposed basin system.
- 3) We will require further clarification of the contributing impermeable drainage area (area positively drained) which should then correspond to the relevant submitted microdrainage calculations for the proposed drainage scheme.
- 4) We are aware that a Section 19 Flood Investigation was carried out by Hertfordshire County Council following prolonged flooding of the highway (Green Street) from 2013-14. This report has also been included within the submitted FRA as Appendix 3 and it is noted within the main text that runoff flows along the dry valley south-western part of the site, following heavy rainfall and flooding on Green Street. As we understand that

this flooding to the highway is located in close proximity to one of the two proposed access locations to the site. In addition, the Proposed Drainage Layout identifies an existing low point in the highway near this access point. We noted that the road at this access is currently proposed to be 'lowered to direct highway flood flow along proposed access' which appears to suggest that the access would be actively flooded and therefore will require further clarification.

To ensure safe access and egress to the site, adequate technical justification will need to be provided and we would expect to see management of the surface water on the road in order to alleviate flooding at this location.

We understand that the FRA has acknowledged the presence of the surface water flow path through the centre of the site, however the second flowing south along the eastern boundary has not been mentioned. This flow path appears to be more extensive than the central path and is at risk from surface water flooding during the 1 in 30 and 1 in 100 year rainfall events. This presents an opportunity for the positive management of this flow path within the site.

We acknowledge that the current planning application is for Outline permission with all matters reserved except for access, however it is important that certain details are confirmed to ensure that the most appropriate drainage scheme can be implemented to ensure there will be no flood risk to the site and the surrounding area and to demonstrate that an appropriate scheme using the key principles of SuDS is feasible

#### 9.1.11.1 Hertfordshire County Council – Lead Local Flood Authority (May 2022): [Objection]

We understand that an amended Flood Risk Assessment (Cole Easdon Consultants Limited, reference 7189, issue 5, dated November 2021) has been provided. We note that significant amendments have been made namely the removal of the previously proposed infiltration basin in the south-eastern corner of the site and replacement with an infiltration tank. Due to the nature of the development as greenfield, we would expect to see demonstration that the surface water drainage can be managed in a sustainable manner, giving priority to above ground storage and source control. This substitution of a proposed basin for a tank would not be considered acceptable by the LLFA considering that the site is located in greenfield.

If the proposed SuDS features are located within the surface water flow path, we will require consideration as to whether the flow path will compromise the surface water system. If it does, these features should be moved out of the flow route.

We would expect to see the use of a sub-catchment approach with attenuation provided throughout the site. This would provide additional SuDS components which would provide source control and opportunities for additional management and treatment stages prior to discharge. We are aware that the site is located in Groundwater Source Protection Zone 2 and will require clarification that adequate treatment has been provided.

Within our previous response (dated: 03.08.20), we required further clarification on whether the proposed basins were acting as attenuation for surface water from the proposed development or for the surface water flow paths located on the site or a combination. We understand from the submitted response to the LLFA (ref: DF/sse/7189trdc, dated: 06.11.20) that the attenuation basins and now infiltration tank have been sized for post development runoff from the development site only and that the existing flow route will be routed around the basins via regrading of the land and bunding of the basins. We will require further clarification as to how this will change the flow path dynamic, for example, modelling of the flow path to ensure that surface water will not be directed towards other residential areas.

Policy 17 of the Local Flood Risk Management Strategy Revision 2 published by Hertfordshire County Council LLFA outlines that where a development alters the natural flow route and/or is located in an area with existing flooding issues or high risk of potential flooding; proposals must demonstrate the management of any existing and predicted overland flows entering the site from adjacent areas for rainfall events up to and including the 1 in 100 year plus climate change event. Therefore, we will require further consideration of the flow route and the capture and store of runoff before entering the proposed drainage mechanism and infiltrating into the permeable strata with limiting the risk of dissolution features. Our previous response highlighted that there is a second flow route flowing south along the eastern boundary which was not mentioned within the submitted FRA. This flow path appears to be more extensive than the central path and is at risk from surface water flooding during the 1 in 30 and 1 in 100 year rainfall events. We would like to highlight again that this presents an opportunity for the positive management of this flow path within the site. We would expect to see both flow paths managed for the 1 in 100 year event within the site.

We noted on the provided updated drainage plan (ref: 7189/502, rev: E, dated: 19.01.21) there is a box highlighting that an 'underdrained swale' has been located near the highway (Green Street) and in close proximity to the location of where the Section 19 Flood Investigation was carried out by Hertfordshire County Council following prolonged flooding of the highway (Green Street) from 2013-14. However, it is not clear where this feature has been located or what the box is associated with therefore, we will require further clarification on this feature.

We acknowledge that the current planning application is for Outline permission with all matters reserved except for access, however it is important that certain details are confirmed to ensure that the most appropriate drainage scheme can be implemented to ensure there will be no flood risk to the site and the surrounding area and to demonstrate that an appropriate scheme using the key principles of SuDS is feasible.

9.1.11.2 NOTE: Following receipt of the comment above from the LLFA, the LPA were notified that due to resourcing constraints the LLFA would be unable to provide further comments on planning applications. As a result, the LPA has commissioned a drainage consultant to review the drainage details of the application and provide guidance in respect of the compliance of the proposed drainage strategy with the LLFA's published guidance.

9.1.11.3 TRDC Drainage Consultant (August 2022): [Insufficient information]

LLFA provided comments on 24<sup>th</sup> March 2022 which don't appear to have been addressed by the developer and the key points have been summarised below.

LLFA comments 24/03/2022	LPA comment
This substitution of a proposed basin for a tank would not be considered acceptable by the LLFA considering that the site is located in greenfield.	Proposed Drainage Layout still shows a tank.
If the proposed SuDS features are located within the surface water flow path, we will require consideration as to whether the flow path will compromise the surface water system. If it does, these features should be moved out of the flow route.	Developer is proposing to redirect the surface water flow route. Refer to summary comments.
We would expect to see the use of a sub-catchment approach with attenuation provided throughout the site. This would provide additional SuDS components which would provide source control and opportunities for additional management and treatment stages prior to discharge. We are aware that the site is located in Groundwater Source Protection Zone 2 and will require clarification that adequate treatment has been provided.	No sub-catchment approach has been undertaken based on the provided information.

We understand from the submitted response to the LLFA that the attenuation basins and now infiltration tank have been sized for post development runoff from the development site only and that the existing flow route will be routed around the basins via regrading of the land and bunding of the basins. We will require further clarification as to how this will change the flow path dynamic, for example, modelling of the flow path to ensure that surface water will not be directed towards other residential areas.	No modelling has been undertaken. Refer to summary comments.
We will require further consideration of the flow route and the capture and store of runoff before entering the proposed drainage mechanism and infiltrating into the permeable strata with limiting the risk of dissolution features. Our previous response highlighted that there is a second flow route flowing south along the eastern boundary which was not mentioned within the submitted FRA. This flow path appears to be more extensive than the central path and is at risk from surface water flooding during the 1 in 30 and 1 in 100 year rainfall events. We would like to highlight again that this presents an opportunity for the positive management of this flow path within the site. We would expect to see both flow paths managed for the 1 in 100 year event within the site.	No assessment provided. Refer to summary comments.
An 'underdrained swale' has been located near the highway (Green Street) and in close proximity to the location of where the Section 19 Flood Investigation was carried out by Hertfordshire County Council following prolonged flooding of the highway (Green Street) from 2013-14. However, it is not clear where this feature has been located or what the box is associated with therefore, we will require further clarification on this feature.	Proposed Drainage Layout still shows an underdrained swale in this location.

### Conclusions/Observations

Outstanding LLFA comments have not been fully addressed.

These conclusions/observations also cover 20/0898/OUT as the drainage elements will need to be built prior to both schemes.

1. It appears that the developer has not fully considered the existing surface water flood flow route and its implications for development following LLFA comments. It would be expected that the developer would quantify and manage this flow route and not just redirect flows. No assessment has been undertaken to confirm pre- and post-development flood risk to confirm that surface water flood risk would not be increased through regrading of local topography. Whilst there have been no confirmed flood incidents to the south-east of the site to date, the developer has not modelled climate change events. No assessment of climate change impacts on surface water flow routes and the implications for developed areas including car parking and the frequency of interruption to highways has been undertaken.
2. A variety of flow routes are crossing the infiltration tank.
3. How will permeable paving within private plots (i.e., private driveways) be managed and maintained by a private management company? Any degradation of privately owned permeable paving will impact residual risk.
4. Section 3.34 of the FRA indicates that basins will be dry, but Section 3.35 indicates that basins will be wet (around 1m of standing water) for newts. Please clarify and confirm capacity.



5. Half Drain Time exceeds 24 hours for the majority of infiltration features, including the infiltration tank (55 hours). How will consecutive storm events be managed?

#### 9.1.11.4 TRDC Drainage Consultant (December 2022): [Insufficient information]

##### **Conclusions/Observations**

These conclusions/observations also cover 20/0898/OUT as the drainage elements will need to be built prior to both schemes.

1. The Council would like to see appropriate management of the flow route and inclusion of an infiltration basin in accordance with Hertfordshire LLFA's policy on the SuDS Hierarchy. The Council would expect the LLFA's policies to be implemented, i.e., basins over tanks, and it is for the applicant to demonstrate how this could be achieved?
2. Whilst the applicant identifies those areas of permeable paving, filter strips and under drained swale drainage alongside highways provide a catchment approach, there is no quantified storage for these features.
3. Applicant has agreed to undertake pluvial modelling to confirm and quantify overland flow routes to be managed which is welcomed by the LLFA. It would be expected that the developer would quantify and manage this flow route where practicable and not just redirect flows. Any assessment needs to confirm pre- and post-development flood risk to confirm that surface water flood risk would not be increased through regrading of local topography including climate change events. An assessment of climate change impacts on surface water flow routes and the implications for developed areas including car parking and the frequency of interruption to highways should also be undertaken.
4. Applicant has removed tanked permeable paving within private plots from the drainage strategy in accordance with previous LLFA concerns on maintenance liabilities.
5. Applicant has indicated that basins will be over excavated in areas to provide ecological enhancement without compromising capacity.
6. Half Drain Time exceeds 24 hours for the majority of infiltration features, including the infiltration tank (55 hours). Applicant has indicated that there is sufficient capacity within the infiltration tank to accommodate runoff from a 1:10-year storm event, 24 hours after the end of a 1:100-year + 40% rainfall event' which appears a reasonable approach.

#### 9.1.12 Hertfordshire County Council – Minerals and Waste: [No objection]

##### **Minerals**

In relation to minerals, the site falls just outside 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 partially within the sand and gravel Mineral Safeguarding Area within the Proposed Submission Minerals Local Plan, January 2019.

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.

## **Outline Solid Waste Management Strategy**

It is encouraging to see that the applicant has considered waste management within the 'Outline Solid Waste Management Strategy' submitted alongside the application. This states that a SWMP will be prepared and provides detail on how demolition and construction waste arising from the proposed development is proposed to be managed. The strategy provides

estimates for various types of waste expected to arise and identifies local waste facilities that could be used for the disposal of waste subject to a Construction Traffic Management Plan (CTMP).

The strategy also states that a Construction Environmental Management Plan (CEMP) will be produced by the developer before any demolition activities take place.

Overall, the county council would conclude that the Outline Solid Waste Management Strategy provides a good base for the production of a SWMP with well considered estimates for waste arisings and on-site storage and reduction measures.

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 produced SWMP should include estimates and actual total volumes of waste during enabling works (including demolition) and construction works should also be summarised. SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the District Council.

#### 9.1.13 Hertfordshire County Council – Growth and Infrastructure: [Objection]

Thank you for consulting Hertfordshire County Council on the above planning applications. This response is made by the Growth and Infrastructure Unit (GIU) on behalf of non-highways county council services and the responses apply to both application 20/00882/OUT and 20/00898/OUT at Land East Of Green Street and North Of Orchard Drive Chorleywood Hertfordshire.

HCC has identified a number of key concerns (detailed below) and cannot currently support the development proposals unless the concerns raised below can be appropriately addressed.

##### **Children Services and Education**

Given the following concerns regarding education provision, HCC objects and would not support the current applications in their current form:

##### **20/0882/OUT – 800 units**

- In terms of school provision, the site should be treated as a strategic development requiring specific additional infrastructure provision.
- Insufficient capacity at existing schools to meet potential demand arising.
- No expansion potential at nearest primary schools.
- At 800 units we would seek a 2FE primary site (2.03ha) and proportionate financial contributions, however this issue is not mentioned in the application.
- the developer would need to make a contribution towards providing additional secondary school capacity, either through expansion or as a contribution towards a new school.

##### **20/0898/OUT – 300 units**

- In terms of school provision, the site should be treated as a strategic development likely to require specific additional infrastructure provision.
- Insufficient capacity at existing schools to meet potential demand arising.
- No expansion potential at nearest primary schools.
- Not well placed to provide additional land to existing primary schools i.e. does not share a boundary or offer land for education use.
- Likely to be too small to support a new primary school as a standalone site.

- the developer would need to make a contribution towards providing additional secondary school capacity, either through expansion or as a contribution towards a new school.

### **Minerals and Waste**

The county council as Minerals and Waste Planning Authority have submitted their comments directly to TRDC on 7th July 2020. The comments made by Minerals and Waste should be read in conjunction with other comments included in this response.

### **ERP (Landscape, Ecology and Historic Environment)**

GIU understands that due to the size and complexity of the two applications, ERP (Environmental Resource Planning) has been given a slightly longer period to response. Please note that the comments from ERP should be read in conjunction with all other comments included in this response.

### **Public Health**

GIU understands that Public Health is intended to submit their comments directly to TRDC. Please note that the comments made by Public Health should be read in conjunction with all other comments included in this response.

### **Fire & Rescue Services**

Although the provision of fire hydrants is not specified on the Reg 123 list, due to the area and number of dwellings on both applications, multiple fire hydrants would be required for the two applications 20/0882/OUT and 20/0898/OUT should the development be granted. In the event TRDC are minded to approve the planning application a suitable planning condition should be applied to ensure the appropriate provision of fire hydrants.

### **Other relevant HCC Services**

This development will have an impact on other services, but the county council notes that contributions towards other services are intended to be funded via the CIL. The county council will liaise with the district council on potential projects and CIL contributions as service project planning progresses should this development come forward.

We would be grateful if you could keep us informed regarding the progress of this application and would wish to continue to engage constructively regarding the evolving design proposals for the primary school.

#### **9.1.13.1 Hertfordshire County Council – Growth and Infrastructure: [Revised Response in respect of Education, April 2021]**

The county council is the local authority which has the statutory responsibility for education. It has a duty to ensure that there are sufficient school places to meet the needs of the population now and in the future. Mainstream education provision includes nursery, primary, secondary and post-16 (up to the age of 19) education.

Where there is considered to be insufficient capacity in local schools to cater for the development (and other sites if appropriate) planning obligations will be sought. On larger scale developments and strategic sites, the provision of land and build costs for on-site schools is usually required. Nursery provision is usually made at primary schools, while new secondary schools will also offer post-16 education.

In accordance with Policy CP8, Policy CP1 and CP2 of the TRDC Local Plan, new development is required to provide or make adequate contributions towards infrastructure and services. HCC expects that the development proposal will be fully in compliance with these policy requirements and in particular, those infrastructure and services that are related to county council service such as school provision, childcare provision, adult care etc. With the evidence submitted so far, we are unable to clearly identify any proposed

contribution towards school provision, or how sufficient provision will be provided to fulfil the additional need generated from this new development.

In terms of travelling distance to school, finding school places for younger children within a reasonable travelling distance would be more of a concern, while older children may be able to travel further for schooling.

With regards to existing school provision in the area, it was mentioned in our previous response (dated 16/10/2020) that none of the nearby primary schools (individually or collectively) have the capacity to accommodate the number of additional pupils that are expected from the new development. Assuming Pupil Yield is based on a ratio of 1:400 (1 Primary FE per 400 dwellings, equivalent to 30 additional places in each of year group), the development of 300 new homes would generate a demand of approximately 169 new pupils. None of the existing primary schools has the potential to expand and accommodate 169 additional places arising from this new housing development. It is also noted that this development site doesn't feature in the existing local plan or any preliminary TRDC growth scenario as far as HCC are aware. Arnett Hills JMI, Christ Church and Chorleywood primary schools are all located on sites too small for expansion while there are probable highways concerns with the Russell School. Secondary schools in the area are also highly unlikely to be able to accommodate fully the pupil yield arise based on the latest secondary school area forecast.

Whilst we understand CIL is potentially applicable to this development, it is noted that there is no agreed mechanism for HCC Services (such as Education) to access the TRDC CIL aggregated fund.

We have noted that the applicant has submitted a draft S106 Agreement as part of the applications. However, there has been no discussion between HCC and the developer over the content included in the draft S106. We must stress that financial contributions offered (as per the contributions level suggested in the table on page 22 (Schedule 3A) of the draft S106) are not, in isolation, an acceptable strategy to provide the infrastructure to mitigate additional pupil yield generated from this development. As set out above financial contributions will not resolve existing capacity issues and the applicant has not demonstrated how additional school capacity will be delivered.

For reference, the land take of a standard new 2FE primary school is 2.03ha, and an estimated build cost of £8,824,770 (Costs based on 1Q2019, BCIS All in TPI (indexation to be applied)). It equals to £19,610.60 per primary school place (£) (based on 2018 DfE Scorecard).

HCC has been working closely with TRDC in planning for new school provision through the delivery of new strategic sites allocated in the adopted and emerging local plans. However there has (understandably) been no discussion to date over how school provision will be delivered for sites that are not included in the emerging plan.

Therefore, although we appreciate that the CIL mechanism and/or a S106 agreement may be potentially applicable and understand that there may be a funding gap in delivering such infrastructure, the applicant has not demonstrated how the planning application would deliver the sufficient education provision that is required by TRDC's adopted planning policies CP1, CP2 and CP8 within the Core Strategy.

Given the reasons set out above, as a Local Education Authority HCC cannot support the proposed development.

This response is to provide an update on Hertfordshire County Council's (HCC) current position with regard to the impact of development on HCC services.

Please accept this response as our response to the implications of the above development on primary school provision in Chorleywood. Our original response to this application was submitted over two years ago, and consequently the service requirements, and ability to improve capacity for the area, have evolved.

Three Rivers District Council have requested a response to the following questions in relation to this application. The queries were received on 22 June 2022:

[Whether HCC's position is that] the 300 dwelling scheme needs to provide a school site and suitable contribution or that

HCC's objection could be overcome provided the CIL receipt (which would need to be ring-fenced) that the scheme would generate would cover the cost of a new Primary School?

1) Having recently reviewed primary school provision in Chorleywood, HCC's education planning team consider that no new primary school site would be required in Chorleywood if this application is to be delivered within the proposed timescale. This change is followed by the update of the latest primary school area forecast (published summer 2022 - <https://www.hertfordshire.gov.uk/services/schools-and-education/at-school/school-planning/school-planning.aspx>).

This position is based on HCC's understanding that there are no further, significant development proposals currently being considered by Three Rivers District Council in Chorleywood. Education requirements are best assessed on a local scale and it is not possible to look at any single planning application in isolation. In the longer term, the Local Plan process will be used to forward plan for the region's education requirements.

Modelling 300 dwellings using version 6.5 of the Hertfordshire Demographic Model (HDM) shows the peak pupil yield arising from this scheme is 0.49fe in 2032 for primary and approximately 0.49fe in 2038 for secondary schools respectively. This equates to approximately 103 primary school pupils and 73 secondary school pupils.

The modelled peaks and yields are on the assumption that construction commences in 2024 and the first dwellings are occupied in 2024/25. The 0.49fe yield from the 300 units development does not establish the need for a new primary school in isolation. The resultant child yield is likely to be able to be accommodated locally at existing primary schools.

Based on the information to date the development mix of the 300 units scheme is as follow:

<b>HOUSES</b>		
Number of bedrooms	A) Open Market & Intermediate	B) Affordable Rent
1	0	0
2	0	0
3	74	40
4+	33	7
<b>Total</b>	<b>107</b>	<b>47</b>

<b>FLATS</b>		
Number of bedrooms	A) Open Market & Intermediate	B) Affordable Rent
1	29	44
2	29	44
3	0	0
4+	0	0
<b>Total</b>	<b>58</b>	<b>88</b>

Trajectory

Year (situation at end of year)	2024/25	2025/26	2026/27	Total
<b>Number of Completions</b>	100	100	100	300

PLEASE NOTE; If the tenure or mix of dwellings changes, please notify us immediately as this may alter the contributions sought

Notwithstanding this, the information suggested above only captures the situation at the current juncture, if planning permission is sought for further proposals in the locality, HCC would need to re-assess its position on how new pupils can best be accommodated in Chorleywood.

2) This scheme in isolation does not trigger the need for a new primary school site in Chorleywood for the reasons set out above. In turn, HCC does not require the ring-fencing of any CIL funds to finance the provision of a new school in order to overcome an objection to this planning application. HCC reserves the right to seek funds from Three Rivers District Council that have been collected through CIL to finance additional infrastructure requirements in Chorleywood as a result of development.

#### 9.1.14 Hertfordshire County Council – Public Health: [Comment received]

For all development proposals Public Health recommends that applicants refer to the Hertfordshire Health and Wellbeing Planning Guidance. This sets out our expectation of developers in terms of the delivery of healthy development and communities, and focusses on the principle of ‘designing in’ health and wellbeing as an essential part of the planning process, placing specific emphasis on active travel, multi-functional open space and high quality urban environments. We also recommend applicants refer to Public Health England’s Spatial Planning for Health evidence resource

#### **National and Local Policy**

The NPPF, in its planning objective 8b, sets out that the planning system has a social objective to support strong, vibrant and healthy communities and to support communities’ health and social wellbeing. This has been retained from the previous NPPF and should be seen as an equal consideration to environmental and economic objectives. Paragraph 91 requires planning to aim to achieve healthy places which enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs (Para 91c). Paragraph 92b sets out that planning decisions should take into account and support the delivery of local strategies to improve health, social and cultural wellbeing for all sections of the community.

#### **Local Health Priorities**

The health of people living in Three Rivers District is generally better than the England average. Three Rivers is one of the 20% least deprived districts/unitary authorities in England. However, health and wellbeing challenges still exist. 9.7% (1,620) of children live in low-income families, and the difference in life expectancy between the most and least deprived areas in Three Rivers is 7.2 years for men and 5.1 years for women.

The proposed development is located in the Chorleywood North and Saratt Ward. Health indicators in the Local Health Profile for Chorleywood North and Sarratt Ward are either the same or significantly better than the Hertfordshire average. Life expectancy at birth for males is 84.1 years and 85.7 years for females. 12.8% of people report having a limiting longterm illness or disability; 14.4% of children in reception have excess weight; by year 6 this increases to 23.3%. Reducing overweight and obesity levels in children and adults and increasing levels of physical activity are public health priorities

These health and wellbeing challenges can be significantly influenced by the built environment to benefit the residents of the proposed development and existing residents in the local area.

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

## **Air Quality**

Air quality is a Public Health priority. Children, older adults and people in poorer health are a health sensitive group to the effects of air pollution. There is an AQMA approximately 1500m from the site (M25, J18). The proposed developments for 800 and 300 units have the potential to generate a large number of car journeys which may exacerbate existing poor air quality. Furthermore, the proposed development, once occupied will introduce a new community to potential poor air quality exposure. It is essential therefore that the proposed development mitigates both of these issues through design: 1) that it reduces the reliance on the car by promoting walking and cycling to local destinations and public transport routes; 2) that it considers exposure to poor air quality during masterplanning. We look to both the Applicant and the Planning Authority to demonstrate that this development will not create or worsen the existing air quality problems.

## **Active Travel**

Public Health supports the Hertfordshire Highways response and the improvements required for active and sustainable travel to be viable modes of transport. This is in line with Public Health priorities including improving local air quality and encouraging physical activity.

## **Other Considerations**

Should the local planning authority deem this site suitable for development, we request that a number of key points are considered under reserved matters:

1. Encouraging early adoption of active travel behaviours from the new occupants: We recommend there is appropriate signage for pedestrian/cycle routes towards key local destinations and rights of way which includes journey times. To encourage the adoption of new active travel behaviours, this needs to be in place prior to first occupation when individuals are more susceptible to change. The Planning Authority may wish to consider this by way of a Condition.
2. Permeability beyond site boundary: To encourage walking and cycling, new walking and cycling connections will be required across the development boundary to enable residents to take the most direct routes possible for their journeys. We defer to Hertfordshire Highways response for the specific improvements required.
3. Parking on or near the development: Anti-social parking often discourages walking, cycling and informal play. We look to the Applicant to outline how on-street parking will be actively discouraged, and how the Planning Authority will enforce this.
4. Children's play areas: It is positive to see play provision provided at six locations across the site and the inclusion of additional areas around the site to allow for informal play and exploration. This will provide opportunities for children to be physically active and encourage social interaction. We flag a preference for natural surveillance from the nearby housing to increase feelings of safety to encourage outdoor play and activity.
5. Great Greenstreet Park and Trim Trail: It is positive to see provision being provided for community food growing within the park and a 1.8km trim trail along the site periphery to encourage the adoption of healthy behaviours.
6. Affordable housing: Having a good quality home is important to our health and wellbeing and ensuring accessibility to affordable housing is a priority across the County. It is positive to see the proposed affordable housing meets the 45% target set in the Local Plan (Policy CP4). In line with this policy 70% of affordable housing to be provided as social rented and 30% to be intermediate. It is crucial that the development provides its affordable housing in a way which is integrated and avoids demarcation.
7. Charging points for electric vehicles: We would like to see electric charging points installed in residential parking spaces to encourage the use of cleaner vehicles.
8. Car club: The Travel Plan proposes to provide a total of 10% electric vehicle spaces and 2% car club spaces. We are not clear what is being provided, is the developer making a contribution to setting up a car club or just providing parking spaces? If the latter, how will the car club be activated and subsequently managed?

## **Health Impact Assessment**



We recommend that a Health Impact Assessment (HIA) is undertaken for developments in excess of 100 dwellings. Our view is that this is an essential assessment for any development proposal to demonstrate that it will not have negative implications for the physical health and mental wellbeing of both existing communities in the vicinity, as well as the future residents of the new development. An HIA can also be a tool through which to demonstrate the opportunities of a proposal and how a development has been positively planned.

It is positive to see the developer has submitted an HIA as part of the Environmental Impact Assessment. We have undertaken an appraisal of the HIA using the Wales Health Impact Assessment Support Unit Quality Assurance Framework". See Appendix One for a copy of our appraisal and feedback.

As the HIA currently stands, it is not recommended to use the HIA findings as part of any planning decision making. The HIA should be revised to incorporate the points listed in the clarifications and weaknesses sections. It is important to stress that an HIA is about identifying the positive health impacts of a proposed development as well as any unintended consequences. There are a number of potential positive health impacts for this development which Savills have not included. It is also imperative that the HIA considers the potential health impacts on the new as well as the existing communities. The HIA has focussed on the existing community and not on the new community. The proposed development is intending to provide 45% of the units as affordable housing. This means there will potentially be a population with higher health inequalities than is shown in the local health profiles. We also recommend that the local community and community groups are engaged with to identify their health concerns.

#### 9.1.14.1 Hertfordshire County Council – Public Health (April 2022): [Comment]

In its response letter of 10th September 2020 (attached PDF), Public Health provided comments to the applicant regarding the earlier submitted HIA report in Chapter 14 of the Environmental Statement prepared in May 2020. Public Health assessed the HIA report using the Wales Health Impact Assessment Support Unit Quality Assurance Framework and sent its feedback to the applicant. The feedback on the HIA report was then followed up by discussion with the applicant at the meeting and further supporting information and guidance was sent out to the applicant to enable revisions required in HIA report.

Public Health is disappointed to see that a revised HIA report has not been added as an addendum to the environmental statement in December 2021. To this end, Public Health would like to reiterate the request to revise chapter 14 on human health as was recommended in the Public Health response letter of 10th September 2020 and accompanied Appendix 1 (attached doc). More specifically, as the HIA report currently stands, it is not recommended to use the HIA findings as part of any planning decision making. The HIA should be revised to incorporate the points listed in the clarifications and weaknesses sections specified in Appendix 1. It is important to stress that an HIA is about identifying the positive health impacts of a proposed development as well as any unintended consequences. It shouldn't only focus on how negligible potential negative health impacts would be. There are a number of potential positive health impacts for this development which Savills have not included. The HIA also needs to identify any unintended consequences and how these will be mitigated against. It is also imperative that the HIA considers the potential health impacts on the new and existing communities, as the existing health chapter has focussed only on the existing community and not on the new community. The proposed development is intending to provide 45% of the units as affordable housing, meaning there will potentially be a population with higher health inequalities than is shown in the local health profiles. We also recommend that the local community and community groups are engaged with to identify their health concerns.

Until the above and the weaknesses listed in Appendix 1 are addressed, Public Health cannot be satisfied that these issues have been considered robustly as part of the application.

Public Health would like to recommend for the planning authority to consider, as part of a planning condition, for the developer to provide a short statement attached to the Human Health chapter 14, on how the development might influence the wider (socio-economic) determinants of health and how weaknesses identified in Appendix 1 have been addressed.

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

9.1.15 Hertfordshire Constabulary: [Comment received]

In relation to crime prevention, security and safety I would ask that the development is built to the police minimum security standard Secured by Design. At this early stage as it is an outline application I have not detailed the physical requirements required to achieve the Secured by Design award.

9.1.16 Herts and Middlesex Wildlife Trust: [Comment received, June 2020]

HMWT is pleased to see that the applicant has stated that they plan to run the Defra biodiversity metric to show net gain. This needs to be done now, at the outline stage, and submitted in its original form (not as a summary), to establish a baseline value for the site. The requirement to exceed this figure by 10% to deliver measurable net gain can then be secured through an appropriately worded condition. e.g.

'Prior to the commencement of development, a landscaping and ecological management plan which delivers X ecological units to achieve a 10% net gain to biodiversity and therefore offset biodiversity impacts on the site, shall be submitted to the local planning authority. Any proposed ecological net gain scheme shall include:

- Details of the on-site habitat creation and management requirements of the development in accordance with the approved Defra biodiversity metric, which has been calculated to comprise X ecological units of habitat as set out in the approved ecological report;
- The identification of an offsite receptor site or sites if required;
- The provision of evidence of arrangements that secures the delivery of the habitat creation and management scheme;
- A management and monitoring plan (which shall include for the provision and maintenance of such habitat management measures for a period of not less than 30 years from commencement of the development.

The developer shall thereafter secure and implement such measures in accordance with the requirements of the approved scheme.'

The ecological report also makes mention of integrated bat and bird boxes within the development. These are also welcome but the number to be delivered must be specified so that it can be conditioned. An appropriate number is 80 bat and bird boxes, integrated into the brickwork of the buildings bordering open space. A suitable condition is:

Development should not commence until a plan showing the make, model and location of 80 integrated bat and bird boxes has been approved.

9.1.16.1 Herts and Middlesex Wildlife Trust: [January 2022 – Insufficient information]

HMWT is pleased to see that a NE biodiversity metric assessment has been undertaken to determine if the development will achieve a net gain. However, the full original metric must be supplied not a summary or technical note as is currently the case. The full metric is needed to enable scrutiny. The comments section of the metric should be used to justify all habitat and condition assessments by reference to the UK Habs descriptions and the condition tables contained in the supporting documentation to the metric. The application should not be determined until this information has been supplied and approved. Version 3 of the metric should be used.

30 integrated bat and swift boxes should be incorporated into the development. Their provision should be secured by a suitably worded condition.

#### 9.1.16.2 Herts and Middlesex Wildlife Trust: [March 2022 – Insufficient information]

In our comments of 25th June 2020, HMWT stated that the Natural England biodiversity metric calculation for the site must be supplied in full (not as a summary), to enable scrutiny and to demonstrate a biodiversity net gain. Only a summary of this calculation has been submitted (Appendix E biodiversity net gain technical note). Before a decision can be made on this proposal the full metric must be supplied. This should be the most up to date metric available i.e. v3. All habitat and condition assessments must be evidenced by reference to survey, the UK Habs community classifications and the condition scoring tables for each habitat. This information must be provided in the comments section of the metric and cross referenced to the ecological report.

If this is acceptable the outputs of the metric can be conditioned in the decision with explicit reference to the number of offset units that must be delivered together with the monitoring and remedial measures required to deliver this number of units in perpetuity.

#### 9.1.17 Herts Ecology: [Objection]

1. The application site broadly consists of the southern half of a large, undulating open field currently grazed by cattle. It has a topography which reflects the high ground south of the Chess Valley which slopes down towards Chorleywood Bottom and includes a dry valley towards the south-east end, all part of the dip slope character of the Chilterns.
2. There is limited existing ecological information for the application site itself. However, since around 1890 this has been one large field, having been composed of up to six fields in 1838. Consequently it has long been limited in respect of ecological features.
3. The Ecological survey identified the field as agriculturally improved grassland. Whilst supporting some biodiversity associated with such a habitat, this would be of very limited intrinsic ecological value, perhaps of some significance in respect of the size and lack of disturbance of the area. However, this in itself is insufficient to represent a fundamental ecological constraint on development
4. There is some interest in the bordering hedgerows which are considered to be habitats of principle importance, but these would be retained within the development. The green lane footpath route along the south-west edge is locally valuable.
5. I have no reason to dispute the view that the application site has low ecological interest. However, if approved the proposals would now be expected to achieve a biodiversity net gain consistent with NPPF, although this is not currently a legal planning requirement.
6. Nevertheless, the Government has now proposed a mandatory requirement for 10% biodiversity net gain as set out in the 2020 Environment Bill. To demonstrate this can be achieved it has also proposed use of the Natural England biodiversity metric v2. There is an indicative inherent and additional mitigation measures plan although most of the proposals

are relatively peripheral compared to the loss of open greenspace and its associated ecology, albeit limited. The Ecology Report 10.5.2 proposes a metric but one has not yet been provided. Consequently I am unable to advise that such measurable net gain has been achieved. Should the LPA now consider this approach needs to be demonstrated prior to determination, the LPA may consider refusal is justified. We are currently awaiting the outcome of a recent Hearing in TRDC which may clarify Government's position on this matter.

7. Otherwise, I advise it could require the biodiversity metric to be provided prior to determination, or if not, as a Condition of approval. Alternatively it should be submitted as a reserved matter to the satisfaction of the LPA. However the implications of net gain should be known on approval given this may have both onsite and offsite consequences. Any funding agreement to enable this should be secured through a S106 agreement to secure additional appropriate habitat creation.
8. The reserved matters (or a Condition to any approval of this application) would also need to include an appropriate lighting scheme which reduced the impact of the development locally, given the ecological and visual sensitivities of this topographically prominent area.
9. Also, there will need to be a Landscape / Ecology Management Plan to describe the management required to maintain the POS habitats as part of the offsetting approach. This should also be a reserved matter submitted to the satisfaction of the LPA. The need for this is recognised (ES Table 10.7 K).
10. The development is quite clearly of moderate / large size and intense; it represents a major intrusion into, and urbanisation of, the AONB at this location. It is wholly unreasonable to claim that it is a relatively / small scale development (ES10.4.28, 10.9.2). The quality of the habitats created will be limited given they all fringe the built development and will be subject to significant disturbance their multi-use function with both passive and active recreation will invariably impact on biodiversity, despite claims more sensitive wildlife will be managed for. The provision of 'meadows' with trees is a non-sequitur, although I acknowledge on-site habitat diversity will be increased. That said, creating ponds in the existing dry valley will wholly destroy the natural character of the feature – which is a dry valley rather than a series of proposed wetlands. The dedicated wildlife area to the north east of the site (DAS 3.6 Landscape GI and Biodiversity) does not appear to be mentioned anywhere else and so cannot form part of these proposals. However, if this area is potentially capable of being created on the northern half of the site owned by the applicant, this could represent a potentially valuable contribution to local biodiversity / landscape and deflect additional pressure on Chorleywood Common. This could be considered as of local benefit should the application be approved.
11. Despite their artificial location, newt ponds are welcome if these features are to retain permanent water; however any water they do hold will limit their contribution to drainage water storage unless they would be over-deepened. Seasonal ponds cannot easily be used for GCN breeding.
12. Without the suggestion above for compensation land, this amount of new dwellings is highly likely to generate further pressure on Chorleywood Common LNR, which is already subject to high amenity use. Depending on the long term intentions for the remainder of the field, the Common will also be further fragmented from its hinterland of open countryside, although the link to the west is limited to the existing green-lane. This has been considered within the ES Chapter 15 and the LNR is thought to be too far from the development for any major impact. However, it is the closest and most accessible genuine open amenity and semi-natural greenspace to the development and so it is not credible to consider that additional impacts will not occur. This is recognised at ES 10.6.9, which also recognises similar impacts on Darvell's Meadow / Homefield Meadow LWs, although these are privately owned. The Walkable impact Area Fig 14.1 shows 2km areas further than the Common but then avoids the Common entirely; clearly this does not reflect potential walking locations.

13. The ES Chapter 10 Ecology refers to 6ha of new parkland; however, no details of this are provided with the submission unless this is part of the landscaping within the development scheme. If so, to suggest this area – which will include the largest play area (DAS Landscape Strategy, Parks and Gardens) as well as SUDS features - will (as an example of ecological benefit) provide continued grazing for roe deer (10.2.3) is a nonsense.
14. Further surveys will be undertaken in 2020, and this is noted. However it is highly unlikely these will identify any significant ecological constraints. Nevertheless I do not agree that a grazed grassland survey in April is representative of an 'optimal' period for undertaking such surveys, but I acknowledge it would appear that the site is agriculturally improved, visible from the site photos, aerial photos and the site description
15. The Ecology ES Table 10.6 outlines inherent design mitigation. Clearly any ecological interest associated with the existing habitats – such as farmland birds – cannot be mitigated or compensated within the development as there will no longer be any farmland. There will also be an increase in predation from pets and disturbance of open space by dogs, noise, people and lighting. Compensation could be provided however if the remainder of the field was to be managed for biodiversity by continued extensive grazing and habitat creation.
16. ES Table 10.7 outlines additional measures for biodiversity. It refers to J, a dedicated wildlife area established in the south of the site, but presumably this can only be part of the GI which is already recognised as also providing formal and informal recreation – which will have inevitably limit the potential for biodiversity. The claims for such biodiversity enhancements are unreliable without further detail. I consider that provision of a homeowner pack – whilst well intentioned (Measure L, Table 10.7) - will not in any way prevent additional disturbance to the LNR, or effectively influence their behaviour. If people want to visit Chorleywood Common for recreation and dog walking – they will do.
17. The provision of a LEMP is essential if the ecological proposals are to have any credibility.
18. On the basis of the above, whilst I recognise the limited ecological value of the application site itself, I remain concerned for the following reasons:
  - This undoubtedly represents a significant development in a sensitive, urban fringe area. The proposals do not directly impact on the rather soft edge of Chorleywood Common currently present which act as low density residential buffer to the site, although they do provide a distinct nucleus of intense development slightly further away, which will damage the existing open greenspace;
  - It will serve to further degrade the open land close to Chorleywood Common LNR and therefore its already rather tenuous links with open countryside;
  - The development will increase the public pressure on the LNR;
  - The landscape strategy, though welcome, will benefit the development itself but be limited in respect of biodiversity given the multiple use and expectations of Green Infrastructure;
  - The apparent proposals to provide dedicated areas for biodiversity are either absent or severely compromised;
  - No biodiversity metric has been submitted to demonstrate 10% net gain can be achieved.
  - The potential for any beneficial environmental use of the remainder of the field – which could potentially provide a grazing link to the Common – has not been considered. This could be subject to a S106 Agreement if this application was approved;
  - A financial contribution could be generated from the development to support conservation measures on the LNR

Given the consequences for biodiversity locally which is very close to what is in my view one of the most diverse and sensitive LWS / LNRs in the county, I am of the opinion that this should not be approved unless the above issues can be considered and satisfactorily addressed.

9.1.17.1 Herts Ecology (May 2022): [No objection in principle, more information needed]

Summary

- We have no objection in principle to residential development at this location;
- Four key issues are evident: the scope of the ecological supporting documents, the safeguard of Chorleywood Common LNR from recreational pressure, the delivery of a biodiversity net gain and the scope of the landscape strategy.
- Of these, should consent be granted, I believe the scope of the ecological reports, the proposals to safeguard the LNR and the landscape strategy are adequate for this stage of the planning process. However, all must be expanded upon to allow determination at the reserved matters stage.
- However, the biodiversity net gain assessment lacks sufficient detail to allow it to be relied upon and until such time as this is resolved, **I cannot recommend that outline consent is granted.**

Full response

Thank you for your original letters of 19 January 2022 and subsequent correspondence over the last month or so which refer, and for consulting Herts Ecology; I apologise for the delay with this reply.

We have written previously to you before on both cases (20/0882/OUT and 20/0898/OUT) on 20 July and 21<sup>st</sup> July 2020 respectively.

Contextual opinions still stand from 2020 – and are not repeated here – so please see previous letters for the necessary detail. Importantly, though, I reiterate our belief that the site remains of limited ecological interest at present.

However, our previous recommendations were that both applications should be refused unless the following issues could be resolved:

- *This undoubtedly represents a major development in a sensitive, urban fringe area. The proposals do not reflect the rather soft edge of Chorleywood Common currently present which act as low density residential buffer to the site (although for '0898' the following phrase was added) although they do provide a distinct nucleus of intense development slightly further away, which will damage the existing open greenspace);*
  - *It will serve to further isolate ('degrade in 0898) Chorleywood Common LNR from its already rather tenuous links with open countryside;*
  - *The development will increase the public pressure on the LNR;*
  - *The landscape strategy, though welcome, will benefit the development itself but be limited in respect of biodiversity given the multiple use and expectations of Green Infrastructure;*
  - *The apparent proposals to provide dedicated areas for biodiversity are either absent or severely compromised.*
- The letter for '0898' also included the following points:
- *No biodiversity metric has been submitted to demonstrate 10% net gain can be achieved.*
  - *The potential for any beneficial environmental use of the remainder of the field – which could potentially provide a grazing link to the Common – has not been considered. This could be subject to a S106 Agreement if this application was approved;*
  - *A financial contribution could be generated from the development to support conservation measures on the LNR.*

Although expressed slightly differently, to reflect the different footprints and number of dwellings, it is my opinion that broadly, all apply equally, to both proposals and the rest of my letter adopts this position.

Since the original application, however, some circumstances have changed, notably the need to deliver a biodiversity net gain though I will return to this below.

In response to this and to reflect the evolution of the proposals, a wide range of new reports have subsequently been provided which are not listed here except to acknowledge the applicant's response to our original letters. Where relevant, all are referred to as necessary below.

Taking all this information into account, I consider the following to represent the outstanding primary issues:

- The scope of the ecological supporting documents;
- The need to safeguard Chorleywood Common LNR from increased recreational pressure;
- The need to ensure that a biodiversity net gain can be delivered;
- The Landscape Strategy is sufficiently robust to deliver the above and other aspirations;
- 

These are taken in turn below:

#### Scope of supporting ecological documents

Whilst broadly acceptable for this stage of the planning process, **the surveys and assessments must be expanded upon at the reserved matters stage** to ensure data remains up to date and to allow the identification of exact avoidance, mitigation and compensation measures. I expect that the mitigation hierarchy is followed closely with clear evidence provided of how it has been applied.

#### Chorleywood Common LNR

In the responses provided, I welcome the recognition and the proposal to fund additional measures at Chorleywood Common LNR. Whilst the funding package has not yet been agreed, should meaningful and long-lasting measures be put forward and funded this would, in principle, be adequate to offset harm from increased recreational pressure. **Details must be provided at the reserved matters stage** (should outline consent be granted). I would add that as an increase in pressure is likely to be permanent, the proposed sum must reflect this.

#### Biodiversity Net Gain

Again, the production of a biodiversity net gain metric is welcomed, and I agree with proposal to employ the 'v2' version of the metric.

I also agree that the delivery of a 10% net gain is not yet a legal requirement. Whilst I acknowledge this is a position on which we differ from the Wildlife Trust, the Environment Act and NPPF makes clear the expectation that a gain is delivered.

Given that a considerable net gain has been suggested by the applicant and, it is anticipated, a material benefit for the applications assumed, it is reasonable to expect that an adequate justification is provided.

However, the overall assessment lacks the supporting contextual evidence or justification to support both the description of the current ecological value or that proposed. This is, in part, related to the multi-functional use of land also put forward as this may restrict the gains anticipated.

Without such evidence, the assessment cannot be relied upon to adequately inform this application. This is important as it will have a direct influence on the design of the landscape strategy and may require that offsite solutions are found if land available within the red line boundary is found to be insufficient.

A revised metric and justification must be provided. Until such time as this is resolved, **I cannot recommend that outline consent is granted**. This task should not prove insurmountable.

Should offsite measures be required, and a funding package pursued rather than actively sourcing and managing a site elsewhere, it should be noted that whilst Herts Ecology has

in the past recommended a fee of £12,000 per biodiversity unit, this is being reviewed and we expect the figure to rise.

#### Landscape Strategy

Broad aspirations are provided by means of landscape masterplans and associated documents. Whilst I consider these to be reasonable for this stage of the planning process, it is important to consider these will play a fundamental role in the delivery of the net gain and other ecological functions (such as providing an alternative for outdoor recreation to the nearby LNR). Consequently, I welcome the proposal to prepare a more detailed Landscape and Ecological Management Plan (LEMP) and I agree **this can be deferred to the reserved matters stage**.

Importantly, and as with the net gain section above, we expect to see proposals that deliver a meaningful and sustainable measures that take full account of the ecological setting of the site, rather than one that focuses on providing the highest numerical value.

Details must be provided at the reserved matters stage (should outline consent be granted). For the avoidance of doubt, we believe this should be developed alongside a suitable lighting strategy as described in our original letters and addressed by the applicant in their subsequent responses.

#### 9.1.17.2 Herts Ecology (June 2022): [More information needed]

Thank you for your email of 6 June 2022 and for providing updated metrics for both applications from the applicant. My comments apply equally to both metrics and so to both applications.

These represent an improvement over those originally submitted though still fall short of the minimum required. For instance, a species lists, photographs and, most importantly, the completed and justified condition sheets are absent.

Despite these shortcomings, I can accept the description of the current sward as an example of a 'modified grassland' which is an important first step. However, the target condition of the anticipated new habitats is poorly defined. As this is an outline application, the method of how they would create and maintain these habitats could be left to a conditioned LEMP.

In contrast though, the target condition should be identified now, as this plays a key role in determining the number of biodiversity units that can be created and whether a net gain will be delivered or not. Once this is agreed, the LEMP can show how it will be delivered.

Therefore, until such time as the target condition and net gain anticipated are identified, and that these appear achievable, I still cannot recommend that consent is granted.

This should not be difficult for the ecological consultants to identify a value, but this will have to be realistic as it is frequently challenging to create high-quality and high-scoring habitats on sizeable housing estates.

#### 9.1.18 National Highways: [Insufficient Information]

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



In the case of this proposed development, Highways England is interested in the potential impact that the development might have on the SRN, in particular, the M25 at Junctions 17 and 18. We are interested as to whether there would be any adverse safety implications or material increase in queues and delays on the SRN as a result of development.

We have now had the opportunity to review the Transport Assessment provided in support of the proposed development. Chapter 5 of this document provides an assessment of the trip generation associated with the 300 proposed dwellings. As the development is an outline planning application, we note there is little information on the breakdown of units, parking provision and other detail and as such, we have reviewed the information only as presented in this planning application.

The applicant has derived the person trip rates from TRICs for 'privately owned dwellings' and applied these to TEMPro7.2 data for the local area (Three Rivers District 005 (Chorleywood)) to understand the purpose of journeys made in the area. They have then applied 2011 Census Data and TEMPro Data to derive the percentage of vehicle trips for each journey purpose. Consequently, as a result of the development, the applicant has stated there would be 106 two-way vehicular trips generated in the AM peak and 158 two-way vehicular trips generated in the PM peak as a result of the development. Highways England is content that the trip generation methodology applied by the applicant is suitably representative of the proposed development.

Highways England has checked the vehicle routing and acknowledge that it is broadly in-line with the expected routing between Chorleywood and the 'Place of Work' 2011 census data. However, the applicant has not stated how they have routed their vehicles per the census outputs, and as such, we request details on the journey planning information used to assign the trips to the network, in the AM and PM peak hours.

The trips have been distributed onto the highway network in Table 20 under Chapter 6.2, which indicates that 28% of trips will route 'North along Green Street, then east along A404 then north onto M25', '14% of trips will route 'North along Green Street, then east along A404 then north onto M25' and '12% of trips will route South along Shire Lane, then east towards Junction 17 and south onto M25'. It is these trips that will be routing onto the SRN that will be of particular interest to Highways England.

The applicant states under Chapter 6.8 'Impact Assessment' "The development traffic has been distributed and major junctions that had 10% or more of the development flows have been subject to detailed assessment". The applicant has not provided any assessment of M25 junction 17, despite 12% of the development flows likely to route via this junction, as stated in Chapter 6.2 of the Transport Assessment. Therefore, Highways England request an assessment of this junction is undertaken, involving a suitably calibrated and validated base traffic model, to form the basis of the future year assessments (as per the other junction assessments).

We note that Paragraph 6.40 provides commentary and the results of the LinSig junction modelling undertaken at M25 junction 18. Highways England requested the modelling files on 3rd July 2020 and they were subsequently received from the Local Planning Authority on 6th July 2020. The model for Junction 18 is currently under review; we will provide our consolidated comments once we have received and reviewed the Junction 17 assessment.

The applicant has prepared a Construction Management Plan (CMP) which we have also reviewed. The CMP states that deliveries will be outside the network peak and school peaks. How this is monitored and enforced is not stated, therefore we request further detail on how this will be managed and enforced. We note that the number of employees expected to be working on site during the construction programme is not stated, nor how these trips are going to be managed to reduce the impact. Given that the construction programme for

the 300 units is anticipated to be approximately three years in duration, Highways England considers this to be of significance.

It is noted in paragraph 5.8 of the CMP that the site is will operate from 0800-1800 and the applicant states the majority of trips will be outside the peak hours. Highways England requests detail on the number of staff and the number of staff trips during construction, in particular the number and proposed routing of these trips that will be made during the peak hours.

The applicant has not made any reference to delivery and servicing arrangements. We would have expected reference to be made to this, either as part of the Transport Assessment or as a standalone Delivery and Servicing Management Plan. This would account for the trip generation associated with servicing of the proposed development, particularly given its size and scale. This would include, but is not limited to, the provision of loading bays, access, how deliveries will be managed through promoting the use of locker drop boxes to residents, reducing peak hour deliveries or similar etc. Although we have referenced more detailed information within this email, we recognise that because this is an outline planning application, some of this information may not be available at this time.

Noting the above, with a limited understanding of the potential impacts of the development, there is insufficient information for us to be satisfied that the proposals will not materially affect the safety, reliability and/or operation of the SRN (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 32) and we would want to have all of the additional information before issuing a formal response to you.

I trust that the above is of assistance and would be grateful if you could pass the above comments to the applicant and their consultants for further consideration and reply. This email does not constitute a formal recommendation from Highways England.

Accordingly, we formally request that your authority refrains from determining this application, (other than refusal) until such time as we have received and considered all the requested information. Once we are able to adequately assess the above and its potential impact on the SRN, we will provide you with our final formal response.

#### 9.1.18.1 National Highways (August 2021): [No objection, Recommend conditions]

Referring to the notification of a planning application dated 18 June 2020 referenced above, in the vicinity of the M25 that forms part of the Strategic Road Network, notice is hereby given that Highways England's formal recommendation is that we:

-recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions).

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

In the case of this proposed development, Highways England is interested in the potential impact that the development might have on the SRN, in particular, the M25 at Junctions 17 and 18. We are interested as to whether there would be any adverse safety implications or material increase in queues and delays on the SRN as a result of development.

We initially responded to the above application in July 2020, with a further response issued in August 2020, following the receipt of requested further information from the applicant's

agent. We noted that, on behalf of Highways England, Atkins had undertaken a review of the M25 Junction 18 model provided by the applicant. The review identified a number of issues relating to the development of the applicant's model structure and lack of sufficient calibration and validation data. Ultimately, we requested that the 2019 Base Year LinSig model is amended. In January 2021, Origin Consultants provided Highways England with updated validation model of the M27 Junction 18. Since this date, Highways England has been working directly with Origin Consultants to agree the M25 Junction 18 model.

There remains issues with the M25 Junction 18 model, and a summary of these issues are provided below:

- The methodology adopted when applying the UGT in terms of signal optimisation as incorrect application of the UGT may nullify the required effect of applying the UGT;
- There is an in-balance of flows on Arm 12 Lanes 1 & 2 (Eastbound approach at the M25 Southbound Off-slip junction) especially in the 2030 DM and DS models. This applies to two LinSig models with and without reduced saturation flows;
- For the LinSig model with saturation flows reduced, the traffic flows for the future year scenarios are not consistent with the LinSig models with no changes to saturation flows; and
- The 2036 COMET flows predicted at the junction are lower than the 2030 flows derived using the 2019 flows and TEMPro growth factors.

Despite these issues, we are able to confirm that, the morning and evening peak hour results for key performance measures at the junction in terms of DoS, MMQ, PRC and Total Delay for the 2030 DM scenario compared to the 2030 DS scenario shows that while the 2030 DS scenario is predicted to experience a small relative reduction in performance at the junction as a result of the development, this is not expected to be significant.

Further, in terms of the M25 diverges at the junction, there is minimal change in performance at both the M25 Northbound and Southbound diverges and queue lengths are predicted to be accommodated well within the available carriageway lengths with no interaction with the M25 mainline in both the morning and evening peak hours. While the issues identified in the modelling could affect the results presented, it is anticipated that the overall conclusion of the assessment is unlikely to change and therefore we will not be asking for further amendments to the model. We accept that the would be unlikely to materially affect the safety, reliability and/or operation of the SRN (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111).

In our formal response attached, we have recommended a condition on a detailed Construction Traffic Management Plan (CTMP) and a Travel Plan (TP). This is to mitigate any adverse impact from the development on the M25 in the vicinity of the proposed development (Junction 17 and 18). It should be noted that the CTMP is related to the impacts of the construction phase of the project and the TP is related to the longer term management of impacts from the development when TP measures are introduced at the very start of the project.

HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. This response represents our formal recommendations with regard to 20/0898/OUT and has been prepared by the Area 5 Spatial Planning Team.

Condition 1

No development shall take place until a detailed Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority and Highways England. If the detailed Construction Traffic Management Plan demonstrates that there is the potential for a severe impact on the SRN, further assessments may be required.

Reason: To mitigate any adverse impact from the development on the M25 in the vicinity of the proposed development. To ensure that the M25 in the vicinity of the proposed development continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

#### Condition 2

No part of the development hereby permitted shall be occupied until a detailed Travel Plan, has been approved in writing by the local planning authority (who shall consult with Highways England) and implemented. The Travel Plan shall include arrangements for monitoring, review, amendment, and effective enforcement.

Reason: To minimize traffic generated by the development and to ensure that the M25 in vicinity of the proposed development continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

#### 9.1.19 Historic England: [No comment]

Thank you for your letter of 18th June 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

#### 9.1.19.1 Historic England: [January 2022 response: No comment]

Thank you for your letter of 19 January 2022 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

#### 9.1.20 National Grid: [No response received]

#### 9.1.21 Natural England: [Objection]

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

#### **SUMMARY OF NATURAL ENGLAND'S ADVICE - OBJECTION**

Natural England objects to this proposal. As submitted we consider it will:

- have a significant impact on the purposes of designation of the Chilterns AONB

We have reached this view for the following reasons:

#### **Chilterns Area of Outstanding Natural Beauty (AONB)**

Our assessment is based both on a review of the applicant's landscape and visual assessment and associated documents, alongside conversations with the Chilterns AONB Conservation Board, who have visited the site location pre-application. It should be noted that Natural England have not visited the site due to current Covid-19 lockdown restrictions.

We propose the LPA considers both applications together, as they raise the same balancing of planning issues and cumulatively (as well as individually) represent a significant impact on the AONB.

Paragraph 172 of the NPPF states that ‘great weight should be given to conserving and enhancing landscape and scenic beauty in...Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues’. Proposed developments within these protected landscapes must include an assessment and consideration of the Major Development Test (NPPF para 172 a-c), and it is also made clear within 2019 planning practice guidance that the ‘*scale and extent of development in these areas should be limited*’.

It is not Natural England’s role to advise on the merits of the case in relation to the need for development at this location, nor on alternative development solutions, the first two of the bullet points in NPPF paragraph 172. However, it is important for us to take into account these matters insofar as they set the context for our advice on the environmental effects, and should be a key consideration for the planning decision.

It is clear to Natural England that these tests cannot be satisfied at this location for the following reasons:

- (a) In terms of the need for the development, and the impact of refusing it on the local economy, no exceptional circumstances are provided. This test cannot be satisfied.
- (b) The scope or cost for developing outside of the protected landscape is not discussed. This test cannot be satisfied.
- (c) Detrimental impact on the environment and landscape and the extent to which this could be moderated. Detrimental impact cannot be moderated for such developments of this size and scale within an AONB, and cannot take precedence over the existing nationally protected landscape. This test cannot be satisfied.

Where no exceptional circumstances exist, or where it cannot be demonstrated that the development is in the public interest, planning permission should be refused for major developments.

These proposals of 800 + 300 houses fully within the Chilterns AONB constitutes a major development which harms the special qualities of the AONB in this area, in this case the rolling and undulating dip slope character adjacent to the village of Chorleywood. The site also lies within the Heronsgate Heights area of the Hertfordshire Landscape Character Assessment. This area is characterised as ‘*the plateau is a gently undulating area forming part of the Chilterns dip slope. Slopes rise from the adjacent Maple Cross slopes*’. The fact that both proposals constitute major development is accepted within the accompanying Planning Statement in Section 6.13.

The argument within the Landscape chapter of the ES that the proposed development will result in a landscape impact of ‘*minor adverse*’ is, in our opinion, erroneous. The dip slope landscape is an integral valued landscape of this part of the Chilterns, and is part of the wider Chilterns dip slope landscape as identified as a special feature in both the Chilterns AONB Management Plan (adopted 2019) and the Heronsgate Heights Landscape Character Area.

The conclusion within the Town Planning and Affordable Housing Statement that the benefits to local housing outweighs the negatives to the scenic and natural beauty of the AONB relies solely on the exceptional circumstances test within the NPPF. This cannot be justified as they fail to give the essential ‘great weight’ to the conservation and enhancement of the landscape and scenic beauty as required in the NPPF and in the CROW Act, Section 85. We are of the opinion that these applications harm the AONB, rather than conserve it, and would result in the erosion of the urban to rural AONB boundary.

The current Three Rivers Local Plan identifies the site as Green Belt land (adopted 2014). The site is considered within the new Local Plan Potential Sites Document, which has recently been consulted on. However, pre-empting the Local Plan site allocation process with a development of this size and scale within the AONB is, in our opinion, premature. We

consider it unlikely that Three Rivers Council will allocate this land for such a large quantum of development, taking into consideration its sensitive location, and this is something we would be very opposed to if it were to be allocated.

The Chilterns AONB is already under tremendous pressure across its whole area from developments of both housing and infrastructure. This pressure on the AONB is recognised within the 2019 Glover Review into protected landscapes, where he also recommends National Park status for the Chilterns. Whilst some smaller sites, carefully chosen and developed sensitively, may be considered acceptable, Natural England is of the opinion that such large scale sites as those proposed at Chorleywood would both severely damage the unique landscape and result in significant visual impacts to those who visit the AONB to enjoy its special qualities.

Natural England has had correspondences with the Chilterns Conservation Board on these applications. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan (adopted 2019), should be given great weight as it is a valuable contribution to the planning decision

#### 9.1.21.1 Natural England (March 2022): [Objection]

Natural England objects to this proposal. As submitted we consider it will:

- Harm the purpose of designation of the Chilterns Area of Outstanding Natural Beauty (AONB)

##### **The Chilterns AONB**

The Chilterns landscape was designated as an AONB in 1965. Its designation confirms this to be one of England's finest landscapes and applies the statutory purpose of conserving and enhancing the area's natural beauty. Section 85 of the Countryside and Rights of Way Act 2000 places a duty on local authorities and other public bodies to 'have regard' for that statutory purpose in carrying out their functions. The natural beauty of the Chilterns is expressed through the area's distinctive character which features a unique interaction of geological, ecological and cultural heritage features. Particular special qualities of the AONB include the dramatic chalk escarpment, a globally rare landscape type, panoramic views from across the escarpment interwoven with intimate dipslope valleys and rolling fields, and nationally important concentrations of flower-rich chalk grassland. Other special qualities comprise significant areas of woodlands, historic commons, tranquil valleys, ancient routes, villages with brick and flint houses, chalk streams and a rich historic environment of hillforts and chalk figures. The Chilterns Management Plan (2019- 2024) describes the landscape character of the Chilterns as comprising four broad character types; Scarp Foothills and Vale Fringes, Chalk Scarp, River Valleys and Plateau and Dipslope. Of particular relevance to this planning application is the landscape character of the Plateau and Dipslope, which is described thus:

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

*The topography is complex, with areas of plateau dissected by long, narrow, often dry valleys. Extensive woodlands and arable fields interspersed with commons, villages, scattered farmsteads (often dating from medieval times) and designed parklands characterise the plateau. Commons, heaths and greens would once have been far more extensive. Many Chilterns commons are wooded or former wood pasture, with areas of heathland, acid grassland, ponds and other open habitats. Grazed fields can still be found on the steeper valley sides and valley bottoms where settlements often formed around water sources or stretched out along the valley roads.'*

The Chilterns AONB was extended in 1990 and is currently undergoing a boundary review, with a view to a further extension of the AONB.

### **National Planning Policy Framework**

The statutory purpose of AONBs is to conserve and enhance the area's natural beauty. Natural England's assessment of the application, based on the consultation materials made available and site visit, is that the proposed development would harm that statutory purpose by introducing substantial built development into an currently undeveloped open area and by materially harming the dipslope and dry valley special qualities of the AONB. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000).

Paragraphs 176 and 177 of the National Planning Policy Framework (NPPF) give the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks.

First and foremost the planning application should be determined against paragraph 176 of the NPPF, which states:

*176. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads<sup>59</sup>. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

Natural England is of the opinion that the applicant has not given sufficient weight to the NPPF policy in paragraph 176, which gives *great weight* to conserving and enhancing landscape and scenic beauty in these areas. The proposed development is entirely within the Chilterns AONB and the development proposal fails to either conserve or enhance the natural beauty of the designated area. Furthermore, the scale and extent of development proposed in this location (whether 300 or 800 dwellings) is clearly contrary to the NPPF policy that "*the scale and extent of development within all these designated areas should be limited*". Natural England asserts that the proposals will not *conserve and enhance* the Chilterns AONB landscape nor *its scenic beauty* and would clearly constitute major development within an AONB.

Paragraph 177 of the NPPF makes it clear that major development within AONBs should be refused, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. It goes on to state:

*'Consideration of such applications should include an assessment of:*

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

In previous correspondence (ref: 20/0882/OUT and 20/0898/OUT on 20th July 2020) Natural England advised that these tests cannot be satisfied by the proposed developments, that exceptional circumstances do not exist and that therefore major development on this site should be refused in accordance with NPPF policy in paragraph 177. We emphasise that detrimental effects to the landscape cannot be moderated for developments of this size and scale within the AONB and that the proposed development therefore directly conflicts with national planning policy and Development Plan policy (as discussed later in this letter) and should be refused planning permission.

Natural England considers that the location, scale and extent of development results in significant harm to the AONB. This is confirmed by the conclusions of the applicant's own landscape assessment. In the assessment, it was found that there will be significant adverse effects to the proposal site and to its immediate setting during the eight year construction period (13.6.7), thus acknowledging the significant effect on the AONB. The assessment also found there would be permanent 'moderate adverse' effects (which based on their methodology are significant effects) on the landscape character of the AONB proposal site 15 years after completion. This is also acknowledged in the updated planning statement which states '*development of the site would by its nature result in harm to the AONB and Green Belt*' (para 5.6) and underlines Natural England's stance that detrimental effects of development of this size and scale within the AONB cannot be moderated. We would also add that NPPF paragraph 11d and its associated footnote 7 is directly relevant to determining this scheme. We refer to our advice below citing this in relation to case law and the Planning Inspectors' decisions based on this clear policy provision.

The Chilterns Management Plan, a material planning consideration to which planning weight should be attached, sets out guidance for the management of the AONB to uphold the statutory purposes of conserving and enhancing the AONB and its special qualities. It recognises that the Chilterns face unprecedented pressure from housing and transport infrastructure which impact on the natural beauty and special qualities for which the Chilterns were designated. The management plan strategic objective DO1 aims to '*ensure planning decisions put the conservation and enhancement of the AONB first.*' Policies DP1 – DP15 set out in detail how that objective should be achieved. We note that the Chilterns Conservation Board has strongly objected to this development proposal and advise that their advice regarding the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, should be given considerable weight in the determination of the proposals.

### **Glover Landscapes Review and the National Landscape Designation Programme**

This planning consultation has been reviewed in the context of a renewed government ambition to revitalise England's protected landscapes. We highlight this important context in which this application can be considered along with setting out the established planning policy framework for determining the application, together with relevant case law and a critique of the Landscape and Visual Impact Assessment. The Glover Landscapes Review (21st September 2019) set out a compelling vision for more beautiful, biodiverse and accessible National Parks and AONBs. It recommended strengthening protection of AONBs with 'new purposes, powers and resources' (proposal 24), 'a strengthened place for national landscapes in the planning system' (proposal 6) and a new programme of landscape designations (Proposal 20.)

As a consequence of the Glover Review, on 24th June 2021, an ambitious new programme to assess four areas for possible designation as Areas of Outstanding Natural Beauty (AONB) was announced, contributing towards the Government's commitment to protect 30% of our land for nature by 2030. This programme aims to deliver on the Government's commitment for more National Parks and AONBs made in the Government's Manifesto and more recently in the Prime Minister's Ten-point plan for a Green Industrial Revolution. As part of this programme, an extension to the Chilterns AONB along with three other national designation projects were prioritised for delivery on the basis that they were areas likely to achieve the most against the key policy objectives.

Natural England, as the Government's designating body and statutory advisor for England's Landscapes, is currently working on reviewing the boundary to the Chilterns AONB, with a view to extending the AONB via a Variation Order to be confirmed, in due course, by the Defra Secretary of State.

On 15th January 2022, the Government's response to the Landscapes Review Environment set out 'ambitious proposals to strengthen our protected landscapes'. Environment



Secretary George Eustice said 'Our National Parks and Areas of Outstanding Natural Beauty are amongst our nation's greatest and most cherished natural wonders. The comprehensive set of measures set out today represents a new chapter in the story of our protected landscapes'<sup>1</sup>

The Landscapes Review and the Governments' response to it, confirms the continuing importance of these landscapes to the nation, signalling a new approach to nationally designated landscapes and renewed vigour to protect them. It recognises both their importance in their own right as cherished landscapes, but also their strategic importance as a vehicle for delivery of measures to address the challenges we face on climate change, biodiversity loss and improving the populations health and wellbeing in the wake of the Covid-19 Pandemic.

Natural England considers that the Review and Government's response to it should be taken into account when determining this major housing development within the AONB. We note that, without exception, all the of the major development examples cited within AONBs in table 8 of the updated Planning Statement included within this planning application (November 2021) relate to allocations or permissions pre-dating both the Glover Review, the Governments' response to it, and the national landscape designation programme announcement.

### **Relevant Case Law**

We would draw your attention to a recent planning case Hawkhurst Golf Club for a hybrid residential development proposed within the High Weald AONB. The proposal was dismissed at appeal on 2nd February 2022 on the grounds of the harm caused to the AONB. The Inspector found '*harm to the AONB both through harm to the character and appearance of the appeal site, and also through harm to some of the key characteristics of the AONB*' (para 87) and also to the '*character and appearance of the wider area and landscape in general terms*' (para 23). The Inspector ruled that landscaping treatment of the boundaries could not overcome the fundamental harms caused by the large scale proposed development and extensive engineering works required for the provision of 374 homes (para 88), finding that the proposal failed to comply with Local planning policies which sought to '*preserve and enhance landscape character*' and '*resist detrimental impacts on the landscape setting of settlements.*' The Inspector concluded

*'I recognise that the identified benefits in relation to housing matters, both directly from the proposed housing and in terms of the benefits from the new road, would clearly be in the public interest. However, the reality is that the circumstances of the housing shortfall, including challenges around providing for affordable housing, self-build, custom-build, and care home housing, are not unusual. The other benefits identified are commonplace and do not add significantly to the balancing. Overall, my view is that these considerations do not together present exceptional circumstances. I conclude that when they are balanced against the harm to the landscape and scenic beauty of the AONB that I have identified, a development of this scale in this location would not be in the public interest. Consequently, the proposal does not comply with Paragraph 177 of the Framework.'* (para 90)

In the planning applications at Chorleywood currently under consideration, the applicant has sought to apply the 'tilted balance' to give housing supply elevated weight in the consideration of planning issues on the premise that no harm arises to the AONB landscape. This is both erroneous and illogical, since the applicant's own landscape assessment does find harm to the AONB landscape, albeit they do not acknowledge it as such, referring rather to the site and its immediate surroundings. In Natural England's opinion the assessment summary understates the extent of the harm where it states that the development will be '*scarcely seen*', downplaying the fact that the development will be seen by significant numbers of people using Chorleywood Common, Public Rights of Way 011 and 014, and the publicly accessible path leading to St. Clement Danes School.

Natural England concur with the Chilterns Conservation Board that in this case applying NPPF paragraph 176 to give *great weight* to the AONB provides a clear reason to refuse the development under the NPPF paragraph 11d (i) presumption in favour of sustainable development and that there is no therefore no need to consider 11d) ii in deciding the planning balance. The Monkhill v SSHCLG High Court judgement (28th January 2021) 3 sets a clear case law precedent on this matter and in the Hawkhurst Golf Club case the tilted balance was also disapplied, despite the fact that the Council could not demonstrate a 5 year housing land supply. In the Hawkhurst case, the Inspector stated;

*'Paragraph 11di) of the Framework sets out that where the application of policies within the Framework that protect areas of particular importance provide a clear reason for refusing the development, then the so called 'tilted balance' in favour of granting planning permission, which would otherwise have been engaged, does not apply. Therefore, in light of Footnote 7, given my conclusion in respect of the AONB, this case falls to be determined on the ordinary unweighted planning balance, to which I now turn.*

*The benefits in this case, substantial though they are, are not sufficient in this instance to outweigh the great weight to be afforded to the harm to the AONB, and the other harms set out above.*

*I therefore conclude, on balance, that the appeal be dismissed.'* (paras 94-96)

### **Site visit**

Natural England carried out a site visit on 7<sup>th</sup> March 2022, weather conditions were dry and visibility was good for the duration of the site visit. An experienced Chartered Landscape Architect (CMLI) conducted the site visit and contributed to this consultation response with the advice set out below:

### **LVIA: Approach and Methodology**

A review of Chapter 13: Landscape and Visual Impact Assessment has been undertaken on behalf of Three Rivers District Council by RSK Environmental Ltd. We do not propose to undertake a full review of the LVIA, but will highlight some key points in relation to that part of the LVIA which concerns the assessment of the Chilterns AONB and any relevant documents which relate to it.

The LIVA refers to a number of published policy documents and character assessments, both within the chapter and also within Appendix 13.1, including the documents relating to the AONB (Chilterns Management Plan and Building Design Guide). Here, the special qualities of the AONB (i.e. those for which it is designated) are referred to, however there is no further mention of these in the main part of the LVIA, and no clear assessment thereof, nor any further reference to the AONB Management Plan. In Table 13.16 (p.31-2), when setting out the value of the site in relation to each of the identified landscape character areas, the LVIA refers to the site as '*not exhibit(ing) some of the more characteristic features of the Chilterns*' when referring to NCA 110 Chilterns and refers to the site as not representing '*features associated with the highest quality landscapes associated with the Chilterns*' in relation to Heronsgate Heights LCA. Neither of these documents sets out landscape characteristics in this way, nor are the special qualities identified in the Chilterns Management Plan considered in Table 13.16 or the wider assessment. The approach continues when the assessment considers the value of landform and water features, where the LVIA refers to a '*minor dry valley*'. In assessing the value of the character areas and the landscape features in this way, the LVIA has not only ignored the special qualities of the AONB, but has purported to devalue those of the site over the rest of the AONB in an attempt to convince the reader that the site is lower in landscape value. We would strongly disagree. The site visit confirmed that site topography clearly displays the characteristic Chilterns AONB dipslope character, dry valley and associated grazing pasture land use described in the Chilterns AONB Management Plan within the Landscape Character

section. In this section, it notes that the Plateau and Dipslope landscape character type *'forms a key part of the classic Chilterns landscape'* (p. 13).

The approach to the AONB in the LVIA is further highlighted by the exclusion of the AONB from the list of landscape receptors, thereby avoiding the need to make an assessment of the effects on the nationally designated landscape. Notwithstanding the above, when setting out the potential effects on landscape receptors during operation (at year 15), the LVIA appears to contradict the baseline assessment of the site, by noting that *'the dry rolling valley topography of the Site is typical of the Chilterns...'* (13.6.27). However, despite this acknowledgement, the assessment of the effect on the landform of the site is judged to be 'minor' adverse, which could not be the case once the site is developed, as the dry valley and dipslope will no longer be able to be appreciated as key landscape features of the Chilterns.

The LVIA methodology and approach is based on a series of matrices and tables. These are considered acceptable in GLVIA3 as a way of communicating complex information, but it is recommended that they are used to support, rather than replace narrative descriptive text, in particular in relation to judgements of significance (para. 8.10). The LVIA methodology states that impacts of moderate or higher are assessed as significant, which is usual industry practice. However, the matrices that underpin the methodology (both those relating to landscape and visual sensitivity matrices as well as the significance of landscape and visual effects matrices) are skewed towards the lower end of significance. We would expect these matrices to be balanced, with a roughly equal number of significant to non-significant options. Although medium-low is used extensively, there are no medium-high options and a combination of high susceptibility and medium value is deemed medium sensitivity. In relation to the significance tables, only six out of 20 options are significant effects, and again, they are skewed to the lower end of significance, such that for example, high sensitivity and medium magnitude of effect is deemed a moderate effect, as is medium sensitivity and medium magnitude of change. The matrices therefore result in a consistently lower impact assessment, compounded due to both the sensitivity and significance matrices under assessing the effect. Adding to this, we would concur with the RSK analysis that there is an over reliance on tables within the text in favour of narrative text, which results in judgements erring towards the lower end of significance. We would also note that the number of tables used make the judgements reached are difficult to easily follow, especially since those effects which are significant are not flagged beyond the reference to these in the methodology.

In the assessment landscape effects in relation to the site setting, are judged as being minor adverse at year 15. The description in table 13.21 (p. 55) concentrates on views of the development within the AONB, however there is no discussion of the effect on the landscape as a resource, nor on the special qualities/landscape character of the AONB. The judgement that a development of either 300 or 800 dwellings will result in a minor adverse effect on the site setting, which is part of the Chilterns AONB cannot be correct, and supports our assessment that the methodology and approach of the LVIA underplays the effect of the proposed development.

The LVIA has not dealt with residual, significant effects transparently. As set out in the LVIA methodology, all effects over moderate are significant. However, in the summary tables at the rear of the LVIA, not one of the construction or operational effects is identified as being residual or significant, despite the fact that a number of them are assessed as being moderate adverse. For instance, the landscape effects on vegetation at operation was judged to be moderate adverse, as were visual effects during operation on Chorleywood Common and sections of Common Road/Chess Valley Walk. These should all be highlighted as significant, residual effects in order to provide the reviewing body with the means to understand clearly what the environmental effects of the schemes would be. In addition, by under assessing the effects on the site setting in relation to NCA Profile 110, no residual significant effect has been identified here, and because the site and its setting

are assessed together, there is no facility to show the residual, significant effect on the site. The neutral to moderate adverse effect on the users of PRoW 014, given the footpath's route along the site boundary and notwithstanding potential landscaping, is too wide in its scope and cannot be correct, as there will be at least glimpsed views, which would result in some effect on the users. PRoW 011 has been similarly assessed and the width of the effect is non-sensical.

### **LVIA Omissions**

GLVIA3 notes that reviewing any relevant existing assessments is the first step in preparing the landscape baseline (p. 93). There are two documents which have been prepared as part of the evidence base for the emerging Local Plan for Three Rivers District Council, which have not been referred to in the LVIA, and their omission from the LVIA appears to further under-play the sensitivity of the site. The first is the Strategic Housing and Employment Land Availability Assessment (SHELAA), which found that *'The landscape sensitivity assessment classifies the site as having a high sensitivity to built development'* (Appendix 7d – Previously Considered Sites Detailed Assessments, under reference PCS4). The other document to which no mention is made is the Landscape Sensitivity Assessment, undertaken by Place Services (published August 2019). In this document, the site (PCS4) is assessed as being of High landscape sensitivity to built development, with it noting that *'the rolling grassland hills and pasture land are characteristic of both the Hersongate Heights LCA and the Chilterns AONB'*. High landscape sensitivity is defined in the document's methodology as,

*'Landscape and / or visual characteristics of the assessment unit are very susceptible to change and / or its values are high and it is unable to accommodate the relevant type of development without significant character change or adverse effects. Thresholds for significant change are very low.'*

To conclude, it is clear that the proposals would cause harm to the AONB's statutory purpose to conserve and enhance the natural beauty of the Chilterns AONB. The LVIA has not assessed the special qualities of the AONB, as set out in the Management Plan, and in so doing, the effect of the proposed developments on the statutory purpose of the AONB has not been considered. As the designating authority for the AONB, Natural England would expect a high or very high sensitivity to be assigned to both landscape and visual receptors in relation to the AONB. This is due to the very high value of this landscape (as confirmed by its AONB designation as being one of England's finest landscapes, and with its landscape and scenic beauty afforded the highest level of protection by national planning policy) and its clear susceptibility to the type of development proposed. Natural England views an assessment which is based on a lesser level of sensitivity and without the strongest justification for that, as unsatisfactory. The LVIA methodology not only under assesses the effects of the schemes on the receiving landscape, but by failing to assess the effect on the AONB's statutory purpose through an assessment of its special qualities, it provides insufficient information to allow an informed determination of the schemes.

### **Development Plan Policy DM7**

Both of the proposed developments would contravene policy DM7, set out in the Development Management Policies Local Development Document (adopted on the 26 July 2013), failing on all three requirements in terms of the Chilterns AONB.

DM7 does not support development within the AONB where it would:

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

Natural England note that the wording of the aforementioned policy encompasses all adverse impacts on views and whether or not those impacts are deemed to be 'significant' for the purposes of the Environmental Impact Assessment (EIA). Natural England's assertion that the development fails to meet these three requirements is set out in detail below.

*i) Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design or external appearance of, or the type or form of, development.*

The proposed development causes material harm to the dipslope character of the AONB within the application site. The dipslope character is recognised as a defining special quality of the AONB and is associated with grazed fields found on the steeper valley sides and valley bottoms which is in evidence on the proposed development site. Replacing this rural area of grazed land, with an urban housing development would cause irreversible harm to the special qualities of the Chilterns AONB, its landscape character and its distinctiveness. The scale of each of the proposals would result in material harm to the character and appearance of the site and the AONB setting of Chorleywood Common. It would result in the permanent alteration of the site from an attractive, undeveloped area of traditional rural grazing land use to a heavily developed suburban site.

Even after the proposed screening is established 15 years post construction, the built development would be visible from the public rights of way in the immediate area of the site, as well as from Chorleywood Common, and from public streets and roads in the plateau area within the settlement around Shire Lane and Rendlesham Way. In its current form, the site offers a green and verdant character that reinforces the rural edge between the Chilterns AONB and the settlement. The proposal would fundamentally alter this edge with the introduction of substantial, urbanising, built form, irrespective of the landscape mitigation proposed. There would be material harm to the established character and appearance of the area, and to the natural beauty of this part of the AONB.

*ii) Detracts from the setting of the AONB and has an adverse impact on views into and out of the area.*

The site falls within the Herongate Heights Landscape Character Area, which is assessed as being in good condition and having a strong character, placing it in the highest landscape category ranking with a management recommendation to 'safeguard and manage'. The LCA comments "The area feels private and relatively remote, despite the proximity to the M25 and neighbouring settlements" and goes on to state "the area is unusual in the country with Herongate and Chorleywood Common being the most distinctive features." Our site visit confirmed that the Herongate Heights Character Area has a rural 'village' feel, which is unusual given its urban context and proximity to London. The development would compromise this character by infilling the last remaining visual connection to the rural AONB landscape from the elevated plateau at Chorleywood Common, as can be seen from viewpoint 10, and from reciprocal viewpoint 1.

The proposal site has clear intervisibility with Chorleywood Common, a popular area of Open Access land which is locally important for recreation, and where the sensitivity of visual receptors are high. Chorleywood Common is notable for its mixture of contrasting enclosed views channelled through woodland and far-reaching open views across the AONB Chilterns landscape, seen over the existing properties on the edge of the settlement, and towards wooded skylines on the horizon. These long reaching views reinforce the unusual sense of ruralness in this location on the edge of London, alluded to in the 'Herongate Heights' LCA, and reinforce the sense of historical connectivity between the Common and the AONB landscape. For this reason, Chorleywood Common can be considered to be within 'the setting' of the AONB. Development on the proposal site would

remove the last remaining gap in urban form, as seen from the Common, blocking open long distance views from the Common to the wider AONB landscape and in doing so compromising visual receptors ability to 'read' the wider AONB landscape and the classic Chilterns AONB pattern of the interaction between the local dipslope and plateaux. The Chilterns AONB Management Plan notes that commons are characteristic of the plateau and dipslope landscape, stating that '*commons, heaths and greens would once have been far more extensive*'. The result of development taking place on this site would be that, Chorleywood Common, 'the setting' of the AONB, would lose its sense of connectivity with the AONB landscape and the sense of the special relationship between the dipslope, plateau and commons.

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

The residents of Chorleywood and visitors who use the public rights of way which lie in close proximity to the site (PRoW 011 and 014, the private footpath to St Clement Danes School) currently experience the AONB landscape as soon as they leave the settlement edge, with the dipslope and dry valley visible, especially through the hedgerow gaps along PRoW 014. These rights of way offer an immediate gateway from the settlement to the wider AONB landscape to the north, and the proposals will remove this early opportunity for public enjoyment of the AONB in favour of high density housing. In addition, the public enjoyment of the AONB landscape from Chorleywood Common would be lost, as discussed under policy point ii above. Natural England also note that although the site is contained by mature hedgerows along its western boundary with Green Street, at the time of our site visit (March) there were clear views into the site through gaps in the defoliated hedgerow from the footway along the road. During the site visit we both walked and drove along this road. Views into the site were particularly noticeable when driving along Green Street where the defoliated hedge branches formed a regular foreground interruption to views into the application site, which was continuously and clearly visible along the length of its boundary with Green Street.

**Summary of Natural England's advice**

To summarise, the proposals are made for an unallocated site that was considered at Regulation 18 consultation stage for the emerging Local Plan, but was not taken forward for allocation. This is unsurprising given its location within the AONB, and the findings within the documents produced to underpin the evidence base. The development proposals comprise major development in an AONB. Paragraph 177 of the NPPF states that such development should only be allowed in exceptional circumstances and where it is in the public interest. As established above, there would be significant harm to the AONB, both through harm to the character and appearance of the site, and also through harm to some of the special qualities and key characteristics of the AONB. Landscaping and the treatment of boundaries cannot overcome the fundamental harms caused by the large scale proposed development and extensive construction works required for the provision of 300 or 800 homes. Proposals for enhanced boundary screening and green infrastructure provision to moderate these impacts would not overcome the scale of physical and visual intrusion identified on our site visit. Given the harm caused to the AONB and its setting, it is difficult to envisage how a development of this scale in this location would be in the public interest, and therefore how it could comply with Paragraph 177 of the Framework and local plan policy DM7 which seeks to conserve and enhance the character of the AONB, its setting and the public's enjoyment of this nationally designated landscape. No exceptional circumstances have been demonstrated.

The LVIA does not provide a transparent assessment of the facts. It does not directly assess the effects of the development proposals on the AONB or its special qualities, it ignores published documents which assess the site as sensitive, and given that methodology is skewed towards the lower end of significance, consistently under plays the significance of the effect on the designated landscape.

9.1.22 NHS Herts Valleys CCG: [Comment received]

I understand that this site is subject to CIL rather than S106, however, due to the large number of dwellings proposed, I would like to make you aware of its potentially significant impact on NHS services in the area.

Despite the fact that local GP surgeries have some capacity to absorb growth in patient numbers, there are factors, which intensify its impact:

- Firstly, there is a major housing growth planned in the area according to the draft LP.
- Secondly, there are significant changes taking place within the NHS in the way the healthcare is being delivered.

I would like to take this opportunity and expand on the latter point.

For some time, the Herts Valleys CCG has been commissioning a number of services from the general practice in addition to their “core” activity. This aspect of the general practice work is now due to increase substantially. Namely, the NHS Long Term Plan set out a requirement for practices to form Primary Care Networks (PCNs). NHS England has agreed an Enhanced Service to support the formation of PCNs, additional workforce and service delivery models for the next 5 years and CCGs were required to approve all PCNs within their geographical boundary by 30 June 2019.

In Herts Valleys CCG there are now 16 PCNs across the 4 localities; each covering a population of between circa 30,000 and 76,000 patients.

These PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services in order to ensure an integrated approach to patient care.

This means increasing pressure and demand on local GP practices as more services are being brought out of hospitals into the community. The capacity that may be there now, is likely to be taken up by additional services that practices are required to deliver.

In light of the above, and in the absence of S106, HVCCG would like to reserve an option to seek a CIL contribution at the later date towards additional health facilities in the vicinity of this development.

To give an indication of the financial impact that this development is likely to bring to the NHS, I can share our formula for S106 requests in relation to Primary Care.

800 dwellings x 2.4= 1,920 new patients  
 $1,920 / 2,000 = 0.96$  GP (based on ratio of 2,000 patients per 1 GP and 199m<sup>2</sup> as set out in the NHS England “Premises Principles of Best Practice Part 1 Procurement & Development”)  
 $0.96 \times 199\text{m}^2 = 191.04$  m<sup>2</sup> additional space required  
 $191.04 \times \text{£}3,150$  (build costs including land, fit out and fees) =  $\text{£}601,776$   
 $\text{£}601,776 / 800 = \text{£}752.22 \sim \text{£}752$  per dwelling

This calculation is based on the impact of this development only, on the number of dwellings proposed.

In addition to the above, we would like you to consider the impact on NHS community, mental health and acute care services. Detailed calculations of the capital impact can be provided and I have summarised the cost per dwelling based on 2.4 occupancy below:

Acute Care     $\text{£}2,187.69$

Mental Health £201.38  
Community Services £182.03

I trust this information is sufficient for you to proceed.

9.1.22.1 NHS Herts Valleys CCG: [January 2022 response: Comment received]

Thank you for your consultation in relation to the above planning application for 300 dwellings on Land East of Green Street And North of Orchard Drive Chorleywood.

I understand that this site is subject to CIL rather than S106, however, due to the large number of dwellings proposed, I would like to make you aware of its potentially significant impact on NHS services in the area.

Despite the fact that local GP surgeries have some capacity to absorb growth in patient numbers at the moment, there are factors, which intensify its impact:

- Firstly, there is a major housing growth planned in the area according to the draft LP.
- Secondly, there are significant changes taking place within the NHS in the way the healthcare is being delivered.

I would like to take this opportunity and expand on the latter point.

For some time, the Herts Valleys CCG has been commissioning a number of services from the general practice in addition to their “core” activity. This aspect of the general practice work is now due to increase substantially. Namely, the NHS Long Term Plan set out a requirement for practices to form Primary Care Networks (PCNs). NHS England has agreed an Enhanced Service to support the formation of PCNs, additional workforce and service delivery models for the next 5 years and CCGs were required to approve all PCNs within their geographical boundary by 30 June 2019.

In Herts Valleys CCG there are now 16 PCNs across the 4 localities; each covering a population of between circa 30,000 and 76,000 patients.

These PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services in order to ensure an integrated approach to patient care.

This means increasing pressure and demand on local GP practices as more services are being brought out of hospitals into the community. The capacity that may be there now, is likely to be taken up by additional services that practices are required to deliver.

In light of the above, and in the absence of S106, HVCCG would like to reserve an option to seek a CIL contribution at the later date towards additional health facilities in the vicinity of this development.

To give an indication of the financial impact that this development is likely to bring to the NHS, I can share our formula for S106 requests in relation to Primary Care.

300 dwellings x 2.4= 720 new patients

720/ 2,000 = 0.36 GP (based on ratio of 2,000 patients per 1 GP and 199m2 as set out in the NHS England “Premises Principles of Best Practice Part 1 Procurement & Development”)

0.36 x 199m2 = 71.64 m2 additional space required

71.64 x £5,410 (build costs including land, fit out and fees) = **£387,572.40**

£387,572.40 / 300 = £1,291.91 ~ **£1,290 per dwelling**

The formula is based on the number of units proposed and therefore related in scale, not taking into account any existing deficiencies or shortfalls.

This calculation is based on the impact of this development only, on the number of dwellings proposed.



In addition to the above, we would like you to consider the impact on NHS community, mental health and acute care services. Detailed calculations of the capital impact can be provided and I have summarised the cost per dwelling based on 2.4 occupancy below:

Acute Care £2,187.69

Mental Health £201.38

Community Services £182.03

East of England Ambulance Service NHS Trust (EEAST) have commented as follows:

EEAST is impacted by new housing developments and assessment of the suitability of existing ambulance station(s) within the locality, with potential to redevelop or extend and in certain instances relocate to a more suitable location as well as the need to increase the number of ambulances and medical equipment to manage increased number of incidents to the growing population in order to maintain mandated ambulance response times and treatment outcomes.

The proposed development will impact on EEASTs' ability to provide nationally set response times for accident and emergency services around the geographical area associated with the proposed application site. EEAST does not have capacity to meet the additional growth resulting from this development and cumulative development growth in the area.

Non-emergency patient transport services are commissioned by Hertfordshire and West Essex CCG to take patients who meet set eligibility criteria from their usual place of residence to hospital for appointments (which may be provided in a hospital, diagnostic hub or primary care setting) in sufficient time for their appointment and then returned to their usual place of residence. As with emergency services, location and siting of PTS sites is important to meet the needs of the population.

The proposed development will impact on the NHS funding programme for the delivery of emergency and non-emergency healthcare service provision within this area and specifically within the health catchment of the development. EEAST would therefore expect these impacts to be fully assessed and mitigated.

#### Review of Planning Application

The Sustainability Assessment indicates the site is in Flood Zone 1 at low risk of flooding. EEAST would welcome utilisation and catchment of grey water is considered by the developer to include underground storage tanks or multiple water butts (ie garage and house) to help reduce the risk of localised flooding post development. There is the potential for residents to reuse grey water for community gardens instead of entering main sewers. Appropriate use of living green roofs can also reduce the potential for localised flooding. In addition, the use of sustainable urban drainage through permeable paving in driveways and parking areas to accommodate surface water run-off would be welcomed. In addition, ensuring sufficient green space curtilage and alongside residential roads helps reduce the risk of localised flooding.

EEAST supports the proposed open space and the establishment of seating, community garden/allotments as these help community cohesion as well as support physical and mental health and wellbeing. EEAST would encourage developers to planting of wildflower grassland to encourage local flora and fauna. EEAST would request clear lines of sight are retained close to properties and walkways to support the reduction and fear of crime whilst also minimising the impact of artificial light on local wildlife.

EEAST would also highlight that since the COVID-19 pandemic more people are likely to work from home for at least part of the week and room size and layout should be sufficient

to facilitate at least one person working from home in a suitable environment as this supports both physical and mental health and well-being. The potential for community gardens/ planting areas would also be welcomed to support community physical and mental health and well-being.

#### Assessment of Development Impact on Existing Healthcare and Ambulance Service Provision

EEAST are in a unique position that intersects health, transport and community safety and does not have capacity to accommodate the additional growth resulting from the proposed development combined with other developments in the vicinity. This development is likely to increase demand upon existing constrained ambulance services and blue light response times.

Therefore, a contribution is sought to make this scheme favourable to the NHS services commissioner and we propose a charge is applied per dwelling towards providing additional ambulance service provision. Table 1 shows the capital required to support the population arising from the proposed development and is calculated to be £72,900.

Table 1 Capital Cost calculation of additional health services arising from the development proposal

<i>Additional Population Growth (300 dwellings) 1</i>	<i>Rate2</i>	<i>Ambulance Cost3</i>	<i>Total</i>
720	0.15	£675	£72,900

Calculated assuming 2.4 persons for each dwelling average household 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number).

Calculated using per head of population in Hertfordshire & West Essex 1996 of 1.4m and emergency activity volume in 2018/19 (203,066)

Calculated from EEAST ambulance data

The formula is based on the number of units proposed and therefore related in scale, not taking into account any existing deficiencies or shortfalls.

EEAST therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission to support EEAST provide emergency and non-emergency ambulance services to this new development.

#### 9.1.23 Three Rivers District Council - Conservation Officer: [Objection]

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

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

of early twentieth century design typical of the growth of the area following the opening of Chorleywood Station.

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

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

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

### **Chorleywood Common Conservation Area**

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

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

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

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

Due to the unique topography of the area there are clear views of the site from the eastern part of Chorleywood Common looking north west beyond the buildings on Common Road. These views provide an appreciation of the historic landscape setting of the Conservation Area and the development of the settlement within an agrarian landscape. They are an

important aspect of the setting of the area. Whilst views from the west of the Common looking north west towards the site are not included on the 'Important Views' map within the Appraisal (Appendix 8), it should be noted that the Appraisal is not an exhaustive record of every element contributing to the area's significance (stated on pg. 4).

One of the views from the Common towards the site is illustrated in View 10 (Figures 13.20 and 13.21) of the Environmental Statement. The wireframe overlay demonstrates that this view of the open landscape setting from within the Conservation Area will be lost and replaced with a view of the proposed housing development. The undeveloped nature of the landscape to the immediate north and east of the site which will be unchanged by the proposal is not appreciated in this view. The urbanising effect to the setting of this part of the Conservation Area and the environmental changes including the change in the use of the land, light spill and movement are all attributes of the proposal which will detract from the setting of the Conservation Area and the appreciation of its significance. The proposal is considered to result in considerable less than substantial harm to the significance of the Conservation Area. Planning Practice Guidance (para. 018) recommends that the level of harm is clearly articulated. If this harm were considered on a spectrum of low, medium and high, the harm would be at a low to medium level as the proposed development is positioned to the west of the site and the open fields to the east and north are partially retained.

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

The four Grade II listed buildings comprising Great Greenstreet Farm include the former farmhouse and three associated barns. These assets form a group and have been assessed as such. The farmhouse is of seventeenth century origin with alterations and extensions dating to the eighteenth and nineteenth centuries. The three barns are all timber framed and weatherboarded and date to the eighteenth century. The barns have been converted to residential use but retain their legibility as former agricultural buildings within a farmstead. The buildings are all of architectural and historic interest and their setting contributes to an appreciation of their significance as part of an isolated historic farmstead within an open, agrarian landscape. The site forms part of the wider agrarian landscape setting of the listed buildings but it is unknown whether there is any functional link. There is no indication within the Historic Environment Desk-Based Assessment (DBA) of the historic ownership of the land forming the site; the Tithe map of 1838 has been provided but the accompanying apportionment, which shows the ownership and use of the land parcels, has not been included. Given the absence of other farms in the area, as shown on nineteenth century OS maps, it is possible for the site to have been in the same ownership and cultivated as part of Great Greenstreet Farm.

The former farm buildings are located to the north of the site and are separated from it by Green Street and an area of open land between the north of the site and Stubbs Farm. There are some glimpsed views from the site to the listed buildings (as shown in Figure 10 of the Historic Environment DBA), however, the intervisibility is limited because of the existing hedgerow and tree planting along Green Street. The proposal will result in a change to the wider setting of the historic farmstead through the loss of an open field, however, it is considered that mitigation measures including a robust landscaping scheme, appropriate site layout and sensitive building heights to the north of the site could minimise the impact. The consideration of mitigation measures contained within Step 4 of the Historic England guidance. This step has not been fully explored within the DBA and further demonstration of the mitigation measures specifically regarding the group of listed buildings at Great Greenstreet Farm is required.

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

## **Conclusion**

An objection is raised to the proposal as it will result in a considerable level of less than substantial harm to the significance of the Chorleywood Common Conservation Area through the loss of part of its open, agrarian landscape setting and the adverse impact of the environmental changes of the development. There is also an adverse impact on views from the eastern side of the Common within the Conservation Area looking north west towards the open landscape of the site. The harm is at a low to medium level, if it were considered on a spectrum of low, medium and high.

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

Paragraph 196 of the NPPF should be applied. Consideration should also be given to paragraph 193 which affords great weight to the conservation of heritage assets.

### **9.1.24 Three Rivers District Council - Environmental Health: [No objections, subject to conditions]**

#### **Air Quality**

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

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

I would recommend that conditions requiring the following be applied to any permission granted:

A Construction Environment Management Plan (including a Dust Management Plan);  
Wheel Washing;  
Provision of EV charging points.

I would suggest informatives relating to the following:

The use of Euro 6 vehicles where possible;  
Following relevant guidance such as the IAQM guidance.

#### **Contamination Land**

I have reviewed the Preliminary Contamination Risk Assessment (Report ref. P19-224pra\_3) and the Ground Investigation (Report ref. 19-224gi\_v2.3) prepared by Paddock Geo Engineering.

It would appear that Appendixes D and E appear to be missing.

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

I would recommend the following conditions:

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

i) A further site investigation, based on the Preliminary Contamination Risk Assessment (Report ref. P19-224pra\_3) and the Ground Investigation (Report ref. 19-224gi\_v2.3) prepared by Paddock Geo Engineering, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

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

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

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

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

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

The above must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

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

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

9.1.25 Three Rivers District Council - Landscape Officer: [No Objection]

This application relates to the proposed development of up to 300 residential dwellings. It is accompanied by a tree report, including a method statement and arboricultural implications assessment.

The site has relatively low impacts from existing trees as most are located around the edges of the site. The only significant area of concern is the access off Green Street. Unfortunately, the tree report does not show the master layout plan, which makes an assessment of the likely impacts to trees difficult to assess. It is also rather concerning that at this stage of the planning process, the tree survey is not based upon a topographical survey (section 1.5), which would be an expectation of the council in respect to an outline or full planning application.

It is unclear whether the tree report has an error, resulting as a roll over from a related application (20/0882/OUT), or as a result of the current masterplan not being overlaid the tree data. However, the report states that trees T57-T59 need to be removed to facilitate construction off Green Street (section 3.3.2). However, the masterplan for the current application does not show an access point adjacent to these trees.

In light of the above, I have no objections to the proposal per se, although it seems a shame to lose T40, but would have to raise objections to the recommendations currently made within the tree report, in respect to tree removals.

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

**1.1 Scope of Technical Chapter**

1.1.1 The scope of the LVIA, including the overall approach to assessment, extents of the study area, temporal scope, sources of information, level of baseline detail and number and location of viewpoint analysis appears appropriate for the scale of the proposed development.

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

**1.2 Policies, Guidance and Standards**

**Planning Policy**

1.2.1 The document provides an up to date review of relevant national, regional and local planning policy including:

- The National Planning Policy Framework (NPPF) (February 2019);
- The National Planning Practice Guidance (NPPG) (October 2019);
- The National Design Guide (September 2019);
- Landscapes Review: Final Report ('Glover Report', 2018);
- Local Development Framework Core Strategy (Three Rivers District Council, Adopted October 2011); and
- Development Management Policies Local Development Document (Three Rivers District Council, July 2013).

1.2.2 The planning policy and Landscape Institute Guidance is appropriate for the purposes of the assessment. Appendix 13.1 sets out the published guidance relating to landscape

and visual matters. Whilst this provides good coverage of the planning policy and published guidance, it would have been more useful if the applicant could have provided a detailed commentary as to how the proposed development was compliant with this policy and guidance. It has not, and where provided, the information must be picked out of the LVIA text.

1.2.3 The LVIA provides clarity in terms of the requirements to protect and enhance the landscape of the site as a nationally designated valued landscape in accordance with NPPF Chapter 15 para.170. Further clarity is provided in paragraph 172 which states that the scale and extent of development should be limited within Areas of Outstanding National Beauty (AONB). In particular, planning permission, “should be refused for ‘major development’ other than in exceptional circumstances,”. What constitutes ‘major development’ is a, “matter for the decision maker, taking into account its nature, scale and setting, and whether it could have significant adverse impact for the purposes for which the area has been designated...Consideration of such applications should include an assessment of...c) any detrimental effect on the environment , the landscape and recreational opportunities, and the extent to which that could be moderated.””

1.2.4 As stated within the LVIA submission, the Chilterns Conservation Board considers the proposed development does constitute a ‘major development’.

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

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

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

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

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

### **Guidance and Standards**

1.2.9 The document provides an up to date review of relevant and guidance including:

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

1.2.10 A description of the accurate visual representation (AVR) production methodology is provided in Appendix 13.2 which describes how the wireline model has been



located within the photograph. A combination of annotated photographs (Type 1) and wireline images (type 3) have been used as appropriate to the visibility of the scheme.

1.2.11 In the case of an LVIA prepared as part of an Environmental Impact Assessment (EIA), the Regulations (Reg. 18 (5)) stipulate that the developer must ensure that the ES is prepared by 'competent experts' and that the developer must include a statement "outlining the relevant expertise or qualifications of such experts". No such evidence is provided as part of the LVIA.

### **1.3 Assessment Methodology and Significance Criteria**

1.3.1 The assessment methodology within the ES LVIA section is based on the principals contained within the GLVIA 3. The methodology for assessment of landscape and visual effects has been clearly separated. Overall levels of significance have been assessed in terms of the sensitivity of the resource affected (based upon its value and susceptibility to the development) and the magnitude of the effect, which complies with GLVIA 3.

1.3.2 The LVIA defines the sensitivity of landscape and visual receptors as dependent on the importance / value of the receptor and its susceptibility to change. This approach is considered appropriate and based on guidance within GLVIA 3.

1.3.3 The assessment of magnitude of effects is described in terms of the level of change experienced by the landscape or view. Explanation is provided in terms of the factors that enable the levels of magnitude to be judged. Sensitivity and magnitude are then combined to provide an overall level of landscape and visual effects in the form of significance of effects matrices in Tables 13.9 and 13.1. Likely significant effects are identified as those of 'moderate' significance or above. Assessment of nature of effect relies on what distinguishes effects as beneficial (resulting in enhancement), adverse (resulting in harm) or neutral (neither beneficial nor adverse). This approach is generally consistent with GLVIA 3.

1.3.4 Whilst the methodology is broadly in accordance with GLVIA3, it is noted that the significance of effects matrices do not allow for intermediate judgements to be made. Where this is the case it is more helpful for the matrices to provide the opportunity for judgements to be decided between a higher and lower level of effect; intermediate judgements are provided for the lower levels of the sensitivity matrices only. The matrices provided therefore tend to provide judgments that are towards the lower end of significance; GLVIA3 explicitly warns against an over reliance on matrices and tables (para 3.35, p.41). In the case of the assessment, judgements are all too readily defined by the matrices with no discretion used by the assessor to weigh the assessment through professional judgement.

1.3.5 For example, where a receptor of high sensitivity experiences a medium magnitude of change, the assessor would more usefully be allowed the discretion to assess the effect as moderate or major depending on reasoned judgement. In this instance, the LVIA always defines the levels of significance to the lower end of the assessment. It is therefore considered that the methodology is overly prescriptive and does not enable sufficient weighting of judgements to be made by the experienced professional. The latest Highways England guidance, LA 107 Landscape and Visual Effects, 2020, provides a useful clarification in terms of this approach for matrices in Table 3.8.1.

1.3.6 A description of the AVR production methodology is provided in Appendix 13.2 as described above wherein it is stated that the latest guidance from the Landscape Institute (TGN-06-19 Visual Representation of Development Proposals) has been followed. However, this guidance sets a higher standard in terms of presentation of the photographic views than is presented within the LVIA. The views should be presented as Type 1 annotated viewpoint photographs at a scale and size that, "aids clear understanding of the view context". The LI guidance states a 'mathematically correct' image for a single image (of 39.6 degrees Horizontal Field of View) equates to a size of 390mm x 260mm on an A3

sheet, which should be held at a distance of approximately 550mm from the eye. Instead of this the photographic views have been presented as wider panoramas of unspecified field of view to be held 300mm from the eye; the views, as presented, significantly reduce the scale of view and are considered unhelpful and possibly misleading in terms of illustrating the view context.

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

1.3.8 It is typical for the temporal scope of major developments to be assessed in terms of effects experienced during construction, winter year 0 (worst case scenario) and summer year 15 to allow for mitigation planting to be considered at a reasonable level of maturity. However, whilst the LVIA provides an assessment at construction and year 15 it completely omits a separate assessment at year 0. This is a major flaw in the assessment as this would be the point at which the development results in maximum potential impacts upon the identified sensitive receptors. The report states that, "It is assumed that the landscape and visual effects at Year 0 (at completion) will be the same as during construction, so these have not been separately assessed."

1.3.9 In the opinion of this reviewer this assumption cannot be not justified and worst-case levels of effect must be evidenced by a detailed landscape and visual assessment at winter year 0.

This reviewer therefore has concerns that the methodology and presentation of AVRs have deficiencies in terms of how overall levels of significance are assessed and presented and in particular, that this has led to an under assessment of the worst-case scenario for both schemes.

## **1.4 Baseline Conditions**

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

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

1.4.3 With the exception of the golf course, the landscape to the west of Green street is similar in nature to that of the site and is relatively enclosed and of a somewhat rural and peaceful character. The Chilterns LCA (2011) covers the landscapes to the west of Green Street and describes the landscape (LCA 18.3 Little Chalfont Rolling Farmland) as of small

to large sized pasture fields with hedgerows interspersed with woodland within a rolling landscape.

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

## **1.5 Assessment of Effects**

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

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

### **Construction**

1.5.3 The assessments within the LVIA during the construction of the 800 unit scheme are generally agreed to, with the exceptions of the landscape impacts on the immediate site setting, for the reasons above, and for the effects on landform and the pasture field, which this reviewer would describe as major. The latter assessments are based on the significant scale of changes required by SuDS design as illustrated in the Flood Risk Assessment document and the total loss of pasture field.

1.5.4 The provision of an indicative phasing programme would have helped in the understanding of construction impacts on a project of this scale and sensitivity. However, based on the assessment for the construction phase, it can be assumed that there would be major significant adverse effects experienced at the level of the site and its setting for the eight year construction period for the 800 unit scheme. Although 'temporary' in nature, this can be considered a medium to long-term significant adverse effect for the landscape and visual receptors effected.

1.5.5 The assessments of the 300 unit scheme have been substantially reduced for a number of receptors within the LVIA. This would appear to be on the basis of the reduced construction period (3 years) and in some part the reduced scale of the development (as per the revised AVR3 images). The reviewer is not in agreement that this would result in reduced judgements for all but a small number of visual receptors within Chorleywood (viewpoint 12).

1.5.6 Based on the assessment for the construction phase, the reviewer maintains that there would be moderate to major significant adverse effects experienced at the level of the

site and its setting for the three-year construction period for the 300 unit scheme. Although 'temporary' in nature, this can be considered a medium-term significant adverse effect for the landscape and visual receptors effected.

### **Completed Development**

1.5.7 It has been described in section 1.3.8 – 1.3.9 how the assessment is deficient in assessing the worst case completed development scenario. Neither LVIA is considered complete without an assessment of the year 0 winter effects of the proposed developments. From a review of the effects as described, the reviewer would expect that there would be significant adverse long-term/permanent and irreversible landscape and visual impacts that are not reported within the current document.

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

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

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

### **Cumulative Effects**

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

## **1.6 Design and Mitigation**

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

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

1.6.3 Although the illustrative layout and DAS attempt to achieve this it cannot be avoided that this is a major proposed development in a sensitive area. This includes the 300-property scheme for which the design element should be reassessed within its own right and not as a 'first phase' of a larger development, which is how it is currently presented.

1.6.4 The DAS which accompanies the ES should reflect the 10 characteristics set out in the National Design Guide to set the parameters for the design quality. These include context, identity, built form, movement, nature, public spaces, uses, homes and buildings,

resources and lifespan. A review of the landscape strategy for both developments is provided below.

Application 20/0882/OUT 800	Application 20/0898/OUT 300
<p>This is a major urban extension to Chorleywood in an edge of settlement, AONB and Green Belt location and is therefore not appropriate.</p>	<p>This layout appears to be 'cut-out' from the larger 800 property scheme with a few minor edge amendments; it essentially appears as a first phase of the bigger development whereas it should have been considered as a standalone scheme. It is still considered as large-scale major development and therefore not appropriate to the site.</p>
<p>The layout sets the vision for the site at 35dph which appears to account for the whole site including open space (22.6ha). This should be separated into a developable area to give a realistic understanding of the densities in each character zone and how they interact with the surrounding densities. If this is calculated on the developable area the dph is broadly estimated to be in the region of 45dph. This is considered an overly high density in a sensitive edge of settlement location; an edge of village density within an AONB would be expected to be around 20dph. The expected developable area should be approximately 60%, however this development does not achieve this percentage.</p> <p>The proposal indicates movement and green infrastructure and the arrangement of buildings, streets and public realm and to some extent responds to the local vernacular. However, the DAS does not always reflect good quality design and vernacular examples.</p> <p>Even with better design it is unclear how such a large scheme can positively respond to the AONB and Green Belt designations.</p>	
<p>The development edges do not sufficiently consider breaking up the urban form, access roads and parking facilities into smaller groups sensitive to the context. Instead the structural planting to the edges simply attempts to 'hide' the scheme but the development should better respond to its context with lower densities and greater green infrastructure.</p> <p>The eastern boundary is adjacent to large detached properties in large plots with substantial gardens. There has been no attempt to consider similar detached dwellings set in an informal manner to compliment the transition the vernacular and contribute to the local character.</p> <p>The habitat corridor and buffer planting to the eastern boundary attempt to compliment the neighbouring informal setting, but the undoubted high usage of such an area by residents would significantly effect wildlife and it is unclear how the existing sensitive wildlife will effectively be protected.</p>	
<p>The parameters plan erodes the potential for green infrastructure linking and breaking up the urban form of the development area, instead it appears to provide one surrounding buffer zone around the entire site and therefore not enhancing engagement with the context as the earlier design principals start to indicate.</p>	<p>The red line boundary and the parameters plan miss an opportunity to link the housing directly with the public right of way to the north. The design fails to demonstrate that other options have been explored for indicative access roads which have better responded to the edge of settlement vernacular.</p>

## Indicative Form, Scale and Housing Mix

Application 20/0882/OUT 800	Application 20/0898/OUT 300
The scale and extent of this scheme should be limited given its sensitivities with the landscape and designations. The application fails to demonstrate how appropriate 3 storey apartments blocks are within the setting of the AONB. The justification needs to respond to the Chilterns Building Design Guide to review the distinctive character that could be created.	
Potential Height of Buildings, Core Policy CP3 Housing Mix and Density states 'Respect density levels within existing residential areas particularly within areas of special landscape and/or historic value in the District'. At this outline planning stage, it is indicated how tall the proposed houses and apartment blocks are likely to be (2.5-3 storey) however the predominant scale of the area is 2 storey, again more variety could be introduced especially where there is proximity to established housing and the more rural edges of the AONB. I would like to see it suitably proportionate so as not to dominate the overall landscape character and urban context.	
The scheme comprises of residential use only and is lacking in social infrastructure except for the open space and play facility. This does not appear to be a well thought out and sustainable approach to development.	
House types appear limited with semi-detached, terraced, maisonettes and apartment properties proposed, more variety should be explored to reflect the evolution of settlement patterns and future needs of communities of all ages.	

## Materials and Detailing

Application 20/0882/OUT 800	Application 20/0898/OUT 300
The DAS does not go far enough to demonstrate and ensure design quality, future adaptability and sustainability, it needs to be expanded to respond to the national design guidance and the Chilterns Building Design Guide.	
Explore materiality and how this will be developed in line with MMC (Modern methods of construction) especially carbon neutral targets.	
Hard landscape materials only refer to concrete paving and asphalt as option which does not demonstrate a high-quality scheme within an AONB.	

## Movement

Application 20/0882/OUT 800	Application 20/0898/OUT 300
The layout is of a dense suburban type when it should respond to a rural edge settlement vernacular within an AONB. The north south link from the park to the upper edge has missed an opportunity to extend the park inclusive of pedestrian and cycle links. The primary street should be wider to accommodate trees to both sides of the street; there is a conflict between the DAS which show trees to one side and the illustrative masterplan that shows a tree lined route to both sides.	Vehicular access options are not demonstrated in the design evolution of this area and therefore do not really respond to the context. The layout is of a dense suburban type when it should respond to a rural edge settlement vernacular within an AONB.
Pedestrian access and cycle paths only follow the eastern boundary, the park and the primary streets, the north and south links utilise existing PRoW's. Again, extending the Park would expand the opportunities for internal circulation free from vehicles.	Pedestrian access and cycle paths are not shown within the site and do not internally link the existing PRoW to the north and south of the development

## Green Infrastructure and Open Space

Application 20/0882/OUT 800	Application 20/0898/OUT 300
The open space appears low for the scale of the development considering it will have to combine SUDs, biodiversity, play facility and physical activity. This multifunctional space needs to demonstrate how all these aspirations will be co-ordinated; it is not sufficient to label areas as habitat/ecological areas when heavy recreational use is likely to preclude this. The proposed scheme fails to quantify these areas. The SUDs appears particularly problematic with large areas required for attenuation basins as set out in the FRA which would require significant earthworks within an existing archetypal dip-slope landform within the AONB. No sections are provided to illustrate how this could work and it is considered that the necessary earthworks would cause significant harm to the existing landscape resource of the site.	
Open space should extend in a linear form from the open space to the northern boundary to help break up the dense urban layout and reducing the impact of the development edge and introduce an uninterrupted green corridor. The design principals and rationale suggest this, but the illustrative masterplan does not develop this sufficiently.	
There is no indication as to how the scheme will achieve a biodiversity net gain. The SUDs park area is unlikely to be suitable as high value habitat given their primary function as dry attenuation basins (not suitable for great crested newts)	
The eastern edge of the site is likely to be heavily used for recreation therefore other areas will need to be developed to prioritise nature.	
The open space requirements of the site should be fully considered at this outline stage.	
The landscape strategy should put more emphasis on tree lined infrastructure to help address climate change, water management, reflect village character and respond to policy and design guidance.	
The current application shows 1 NEAP, 5 LAPS and a trim trail.	The current application shows 1 LEAP, 1 LAP and a trim trail. There is a contradiction in the DAS between figure 3.20 Play area locations and the text.
The LAPS do not demonstrate appropriate location and should be located within the urban blocks and not the wider landscape as they are aimed at very young children; informal play for all ages should be woven into the circulation around the whole site making elements of play integral to the scheme and the landscape strategy.	

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

1.6.6 This is aside, the proposed designs do not sufficiently demonstrate how a scheme with such a high density of development and with such limited green infrastructure can deliver sufficient and/or well located formal and informal play and amenity space, wildlife areas cycle and footpath links.

1.6.7 Even with better design it is unclear how such a large scheme can positively respond to the AONB and Green Belt designations.

## 1.7 Overall Conclusions Scope & Guidance

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

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

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

1.7.4 The author of the LVIA should be identified as a 'competent expert'. No such evidence is provided as part of the LVIA.

### **Methodology**

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

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

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

1.7.8 Most notably, the assessments completely omit a separate worst-case assessment of effects of the operational development that should be made as of winter year 0. In the opinion of this reviewer this cannot be justified and worst-case levels of effect must be evidenced by a detailed landscape and visual assessment at winter year 0.

### **Assessment of Effects**

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



1.7.10 The LVIA demonstrates that there would be a major significant adverse impact experienced at the level of the site and its setting for the eight year construction period for the 800 unit scheme. Although 'temporary' in nature, this can be considered a medium-term significant adverse effect for the landscape and visual receptors effected.

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

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

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

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

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

1.7.16 Cumulative effects have been considered for the proposed recreational development to the west of Green Street. The assessment appears to minimise the suburbanising influence these two features would have together, particularly during winter months and at night when illuminated. It is considered that such effects have the potential to be significant and adverse upon the landscape of the AONB and road users entering the village along Green Street as a result of the suburbanisation of the countryside including the loss of tranquillity and relatively dark skies.

### **Design and Mitigation**

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

1.7.18 This aside, the proposed designs do not sufficiently demonstrate how a scheme with such a high density of development and with such limited green infrastructure can deliver sufficient and/or well located formal and informal play and amenity space, wildlife areas cycle and footpath links.

1.7.19 Even with better design it is unclear how such a large scheme can positively respond to the AONB and Green Belt designations.

### **Summary conclusions**

1.7.20 The competence of the assessor must be stated.

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

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

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

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

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

1.7.26 Both schemes indicate major development to the edge of Chorleywood of a scale that is inappropriate to its location and it is unclear how such a large scheme can positively respond to the AONB and Green Belt designations.

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

9.1.27 Three Rivers District Council – Leisure Development Team: [Comment received]

Officers would require further details on the proposals for all outdoor leisure facilities and landscaped areas. In summary, Officers are happy with the outline plan, but would not be able to further support it in its current format, due to the lack of details. Officers would be keen to meet with and work together with the developer on this.

9.1.28 Three Rivers District Council – Local Plans Team: [Comment received]

The application proposes the construction of up to 300 dwellings at an overall density of 35 dwellings per hectare. The application site is located on the edge of the Key Centre of Chorleywood and is wholly within the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB).

The National Planning Policy Framework (NPPF) (2019) states planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan). The statutory status of AONBs is confirmed at Paragraph 172 of the NPPF, which states that AONBs have the highest status of protection in relation to issues of conserving and enhancing landscape and scenic beauty in AONBs. The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in this landscape designation. The Chilterns AONB is therefore considered to have the highest status of protection in relation to the issue of conserving and enhancing landscape and scenic beauty. The NPPF goes on to state that the scale and extent of development within these designated areas should be limited and planning permission should be refused for major development\*, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest (Paragraph 172). It is not considered that the existing proposal for up to 300 dwellings is likely to constitute a limited scale and extent of development and therefore exceptional circumstances and a demonstration that the development is in the public interest must be shown.

*[\*For the purposes of paragraphs 172 (and 173), whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined]*

In addition to the above, Policy DM7 of the Development Management Policies LDD (2013) states that in considering proposals for development within or near the Chilterns AONB, the Council will support development unless the proposal would:

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

The NPPF states the requirement for an assessment of:

- a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated (Paragraph 172).

The considerations set out above should be taken into full account in determining the exceptional circumstances necessary to justify major development in the AONB.

The application site is located in the Metropolitan Green Belt. The NPPF states that the construction of new buildings in the Green Belt is inappropriate. The exceptions to inappropriate development are not considered to apply to the proposal and therefore, the proposal is considered to propose inappropriate development. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 143). Policy CP11 of the Core Strategy states that 'there will be general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it'. It is considered that a major development comprising of up to 800 dwellings would be likely to fail in preserving the openness of the Green Belt and subsequently the proposal is not considered to comply with Policy CP11. Additionally, the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 143). '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 (Paragraph 144).

In light of the above exceptional circumstances and a demonstration that development would be in the public interest are necessary to justify approval for the major development proposed in the AONB (Paragraph 172). As well as this, it is important to consider that any full application would be required to assess the cost of and scope for developing land outside of the designated AONB area, which may accommodate a proportion of Three Rivers' housing need that is proposed on the application site. an assessment of the scope for meeting the housing need in some other way (e.g. through an alternative site) must be made in order to justify development within the designated AONB area (Paragraph 172). Additionally, unless the potential harm to the Green Belt is judged to clearly outweigh other considerations, very special circumstances must be shown to exist to justify inappropriate development in the Green Belt.

Policy CP3 of the Core Strategy states that the Council will require housing proposals to take into account the range of housing needs, in terms of size and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). The most recent SHMA was published in January 2016 and has identified the indicative targets for market and affordable sectors' dwelling size within Three Rivers 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 table below sets out the proportion of dwellings in the proposal:

Market 50%			Affordable 50%		
1 & 2 bed flats	58 units	35%	1 bed flat	41 units	30%
			2 bed flat	47 units	35%
3 bed house	74 units	45%	3 bed house	40 units	30%
4 bed house	33 units	20%	4 bed house	7 units	5%

The proposal is not in accordance with Policy CP3 which seeks a lower proportion of 1 bedroom dwellings and a higher proportion of 3 and 4 bedroom dwellings. Whilst not complying with indicative targets, current market conditions need to be taken into consideration.

Policy CP4 of the Core Strategy states that the Council seeks a provision of 45% of all new housing as affordable housing. As a guide, the Council seeks 70% of all the affordable housing provided to be social rented and 30% to be intermediate. The development proposes 50% affordable housing, therefore complying with Policy CP4.

#### 9.1.29 Three Rivers District Council – Housing: [Comment received]

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

You are proposing a total of 300 dwellings with 45% Affordable Housing 135 units. The Affordable Housing also includes a good mix of different sized properties and family sized accommodation which is urgently needed in the district. We would welcome these general needs properties particularly if, as proposed there would be 70% available for Social rent.

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

#### 9.1.30 Thames Water: [No objection]

**Waste Comments**

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

**Water Comments**

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

**Supplementary Comments**

Wastewater - There is insufficient capacity within the existing public foul water sewer network to accommodate the proposed discharge. An impact study will be required to determine the extent of offsite reinforcement.

**9.1.30.1 Thames Water: [January 2022 Comment – No objection]****Waste Comments**

Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "The development shall not be occupied until confirmation has been provided that either:- 1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan." Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

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

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

### **Water Comments**

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

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

#### **9.1.31 Transport for London: [Comments received]**

Thank you for consulting Transport for London (TfL). Due to the proximity to Chiltern Rail and Metropolitan Line services from Chorleywood station we have reviewed both of the above applications in terms of access to and capacity of public transport. We have also identified opportunities for mitigation where impacts are expected

### **Access**

The route to the station from the site for pedestrians and cyclists is undulating and indirect and there is no frequent bus connection. There is likely to be a need for improvements to existing walking / cycling infrastructure in and around Chorleywood to accommodate increased trips. This could include improved all weather surfacing, lighting and crossing facilities, removal of vegetation and improved personal safety or security measures. Additional cycle parking in and around the station should also be provided. A lack of alternatives to access the station may lead to an increase in car use which we would not want to encourage. The existing station car park is regularly full to capacity on weekdays so further restrictions to prevent parking on streets in a wider area around the station may be required.

### **Capacity**

The Transport Assessment quotes Metropolitan line additional capacity of 33% by 2023. This may be true in aggregate, but not at Chorleywood, where frequency in Chiltern Railways and Metropolitan line trains taken together will increase from 11.25 tph to 12 tph in the peak, an increase of 7%. Pre-covid, all Metropolitan line fast trains between 07:15 and 08:19 left Chorleywood station full and standing. TfL would expect an application of this size to have carried out an assessment of line loading and station capacity which is restricted by the entrance gates. The transport consultants should be making use of station planning standards to ascertain the capacity utilisation parts of the station and of line loading now and after the addition of the expected demand from this development. This is a straightforward exercise which will be needed to determine whether the development raises any concerns for rail operations or station management that may require mitigation.

#### **9.1.31.1 Transport for London (April 2022): [No objections]**

Thank you for consulting Transport for London (TfL) on the amendments to the above application. Since submitting our initial comments we have been in communication with the applicant's transport consultants about the need to provide mitigation for the impact of additional trips generated by the development on gate capacity at Chorleywood station.

As a result of those discussions we understand that the applicant has agreed to provide funding for an additional access gate at Chorleywood station as part of the section 106 agreement. This agreement is set out in paragraph 5.6 of the Technical Note 9 – Residual Matters - October 2021. We endorse the findings of the technical note regarding impacts on Chorleywood station.

Providing a commitment to provide full funding for the access gate is included in the section 106 agreement we are satisfied that the impacts of the development on the station can be managed.

## Appendix 2 – Other Consultation Responses

### 10.1 Chorleywood Golf Club [Supports]

- Golf club is long established used regularly by 300 players, many are local residents.
- Recognised as a Community Association Sports Club
- Whilst located on the Common since 1890, nature of the Common has changed, with more non-golf use of the common which causes difficulties and incidents.
- If housing is approved, owners have committed to providing substantial new assets to community including new football facilities for Chorleywood Common Youth Football Club and a new golf course for Chorleywood Golf Club, which would be provided on a long lease at a peppercorn rent which would provide golf facilities in an environment far more suitable than the common, particularly in terms of safety, security and sustainability, with space for practice facilities to support younger and newer players.
- With this, the Common would be freed up for walkers and other recreational users.

### 10.2 Chenies Parish Council [Objects]:

- Chenies Parish directly faces the application sites along its boundary with Green Street. The land on both sides of Green Street (including the entirety of both application sites) is within the Green Belt and within the Chilterns Area of Outstanding Natural Beauty. These facts alone must result in a refusal.
- Strongly object on the basis of a lack of sufficiently robust infrastructure to serve a community of the size proposed. The A404 is already at full capacity along with J18 of the M25, which results in unsuitable use of narrow lanes as cut-throughs.
- Water resources are under stress and local sewage treatment works are already at full capacity.
- Local schools are oversubscribed.
- Residents of Chenies Parish typically use the amenities of Chorleywood and parking spaces are already at a premium and the station car park is often full.
- The land on the west side of Green Street is currently subject of an application for comprehensive redevelopment as a golf driving range and for football pitches. Chenies Parish Council have objected to this application due to the increased traffic it will generate and the pressure it will place upon the dangerous junction with the A404.
- Development of the scale proposed would significantly change the entire character of the local area and the relationship between nearby settlements.
- The main purposes of the Greenbelt are for the preservation of the openness of the countryside and for the separation of settlements from each other. There is nothing in either application which would justify removing the sites from the Green Belt..

### 10.3 Campaign to Protect Rural England Hertfordshire

We are responding to both applications together as, apart from the quantum of housing, the support documentation for both applications is essentially the same and the justifications for the developments are identical. The layout of 20/0898/OUT has been extracted from the masterplan of 20/0882/OUT with minor adjustments to the eastern boundary ( this is demonstrated in figures 3.2 and 3.3 of the Design and Access Statement accompanying 20/0898/OUT) and will facilitate future development of the 800 dwellings should the 300 be approved.

This site is currently open farmland on the eastern side of Green Street, outside the Chorleywood settlement boundary and not included in the current Three Rivers Site Allocation LDD. It lies entirely within the Green Belt and the Area of Outstanding Natural Beauty. As such, under the provisions of the NPPF and the Three Rivers Development Plan, the applicant has to demonstrate very special circumstances sufficient to overcome the resulting harm of development to the Green Belt and exceptional circumstances and national interest in the case of the AONB.



To get the location of this site in context, in the Final Report of the Landscapes Review of National Parks and AONBs commissioned by the Government and published in September 2019, the point is made that the Chilterns AONB is of such significance that the report recommends that it is re-designated as a National Park (pages 119-121). In discussing the Chilterns AONB the report notes that “In the south east of England, in particular, the pressure of development is immense and may only get greater. Some national landscapes, the Chilterns for instance, risk changing very fast as a result and mostly not for the better. We shouldn’t just accept this as sadly unavoidable.”... “The ‘exceptional circumstances’ provision in the National Planning Policy Framework, which was intended to limit development in national landscapes, is being used to argue for major development instead, on the grounds that no other sites outside AONBs are available. We believe strongly that this is in contravention of the purpose of designation.”(pages 102 and 107). These applications fall into this description.

The documentation accompanying both applications is voluminous, but essentially the planning balance rests on NPPF para. 11(d) (Presumption in favour of sustainable development) and NPPF Sections 13 (Protecting Green Belt Land) and 15 (Conserving and Enhancing the Natural Environment).

### **NPPF Para. 11(d) Presumption in favour of sustainable development**

The interpretation of NPPF para. 11(d) has been clarified in a comprehensive and lucid way following the judgement in *Monkhill Ltd v SoSCLG* [2019] EWHC 1993 (Admin):

(a) Where the relevant development plan policies for determining the application are out-of-date planning permission should be granted, unless either sub-section 11(d)(i) or 11(d)(ii) is satisfied. Footnote 7 makes it clear that policies are to be treated as out of date where a local authority cannot demonstrate a 5 year housing land supply or meet the Housing Delivery Test.

Three Rivers cannot currently demonstrate a 5 year supply. However, it should be noted that the most recent 2018-based household projections for Three Rivers, issued by The Government’s Office for National Statistics on 29 June 2020, indicate a highly significant 13% reduction when compared to the 2014-based projections on which the Council’s current assessments are based. This will substantially impact on the Council’s 5 year housing land supply, which needs to be taken into account in determining this application.

(b) Sub-section (i) takes precedence over (ii).

(c) If either (i) or (ii) is satisfied, the presumption in favour of sustainable development ceases to apply.

(d) Sub-section (i) refers to policies within the Framework that protect areas or assets of particular importance which, if satisfied will exclude the application from a presumption in favour of sustainable development. (Footnote 6 lists the areas covered by the relevant policies. These include both Green Belts and AONBs).

Sub-section (ii) requires any adverse impacts of the application to significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

(e) Where more than one “footnote 6” policy is engaged, sub-section (i) is satisfied, and the presumption in favour of sustainable development overcome, where the individual or cumulative application of those policies produces a clear reason for refusal.

(f) In applying (i) only the policies in footnote 6 can be taken into account.(NPPF 172 on the AONB can fall within (i), even if the application is not for major development)

(g) The application of the policies requires all relevant planning considerations to be weighed in the balance.

The Applicant argues that neither Sub-sections (i) or (ii) are satisfied and consequently the presumption in favour of sustainable development applies and the applications should be approved. We do not agree.

If we return to NPPF footnote 7 regarding out of date policies, the judgement in *Wavendon Properties* [2019] EWHC 1524 (Admin) requires the Local Planning Authority to take a global view of the most important policies. It is not enough simply to say that one of the policies is out of date (as the applicant does here). The decision-maker must consider which are the most important policies and determine which of them are out of date. In our view the most important policies applying here are those for housing supply, those relating to the Green Belt and those relating to the AONB.

It is not the case that in the absence of a 5-year housing land supply all Development Plan Policies are superseded. The Supreme Court (in the case of *Suffolk Coastal DC v Hopkins Homes Ltd.* [2017] UKSC 37) held that Local Plan policies to protect the countryside from development (such as those relating to the Green Belt and the AONB) are not policies for the supply of housing and therefore are not out of date and should be accorded full weight. In other words the presumption in favour of the grant of planning permission is not irrefutable and the absence of a five-year supply of housing land will not necessarily be conclusive in favour of the grant of planning permission. Similarly NPPF para. 213 says that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework.

We need, therefore, to discuss the applications against NPPF Sections 13 and 15.

### **NPPF Section 13 Protecting Green Belt Land**

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para. 145 states that, apart from a limited number of exceptions, which these applications do not meet, the construction of new buildings should be regarded as inappropriate in the Green Belt.

It is the view of the Applicant that the policies which protect Green Belt land “do not provide a clear reason for refusing the developments proposed”. (Planning Statement para 7.10) and yet in para. 7.5 they say that “this [Planning] Statement demonstrates that whilst development of the site would by its nature result in harm to the Green Belt, this harm would be localised and limited given the individual site circumstances.” This is tacit agreement that as the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the developments would cause harm through inappropriateness and damage to the openness of the Green Belt.

In para. 6.11 the Applicant acknowledges that the proposal does not meet any of the criteria in NPPF para. 145 and consequently would be inappropriate development. However, in their view, as the site is adjacent to the built up area of Chorleywood “the harm arising from the development would be limited and have no significant adverse effect on the wider rural character.” (para. 6.15) Harm to openness has both a spatial and a visual aspect, a point specifically made in para 001(2) of the National Planning Practice Guidance. *Timmins v. Gedling Borough Council* [2014] EWHC 654 and *Lee Valley Regional Park Authority v Epping Forest District Council* [2016] EWCA Civ 404 held that: “[any] construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities.” That point was endorsed by the Supreme Court in *Samuel Smith*

Old Brewery (Tadcaster) and others v North Yorkshire County Council [2020] UKSC 3. The Supreme Court also accepted the judgement in Turner v Secretary of State for Communities and Local Government [2016] EWCA Civ 466 that “The concept of ‘openness of the Green Belt’ is not narrowly limited to the volumetric approach. The word ‘openness’ is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if development occurs.” At the present time this part of the Green Belt is free of any development. Should the proposal for 800 dwellings go ahead it will be almost entirely covered. Should the 300 dwelling scheme proceed, the encroachment of open countryside, as perceived from Green Street, would be comparable to the 800 dwelling scheme.

NPPF para. 134 sets out the purposes of the Green Belt:

(i) to check the unrestricted sprawl of large built-up areas;

The Applicant argues that being on the urban fringe of Chorleywood and protected by strong defensible boundaries, the site’s development would not result in the unrestricted sprawl of Chorleywood. (Planning Statement Table 7) The NPPF does not define sprawl, but it is generally taken as the contiguous expansion of an existing settlement into the surrounding countryside. These developments would do precisely that.

b) to prevent neighbouring towns merging into one another;

The Applicant does not consider Chorleywood to be a town and so this purpose does not apply. This depends on how strictly you define ‘town’. As even the most cursory glance at a map will illustrate, Chorleywood is part of a conurbation which includes Rickmansworth and Croxley Green. The Green Belt separates that conurbation from those consisting of Amersham and Little Chalfont and the coalesced settlements along the A413.

c) to assist in safeguarding the countryside from encroachment;

“Development of the site would ... result in minimal and constrained encroachment into the countryside.” We are not sure how any encroachment into the countryside, however minimal and constrained, safeguards the countryside from encroachment. We do not accept that an encroachment of 300m as viewed from the public highway of Green Street frontage could be in any way be viewed as ‘minimal’.

d) to preserve the setting and special character of historic towns;

and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

“The clear and significant need to deliver more housing in Three Rivers demonstrates that sufficient land within the urban area is not available to meet current housing need in the District. Development of the site would therefore not discourage urban regeneration.” This is a somewhat convoluted argument which doesn’t actually address the Green Belt purpose. The development of the site would not assist in urban regeneration.

The Applicant considers that the site is poorly performing Green Belt which does not contribute to the landscape. (Planning Statement para.7.2). However it is not the quality of Green Belt land which is protected but the function it fulfils. The land is currently used for grazing, which is not an inappropriate use in the Green Belt. The Applicant considers the present use is not ‘optimal’. We assume that this is intended to mean not the ‘best’ or ‘most favourable’ use, which begs the question ‘for whom?’. Residential development, which is

inappropriate, would certainly not be the optimal use for either the purposes of the Green Belt or the AONB., but would give a financial return to the Applicant. The Applicant's intention is to "Make most efficient use of poorly performing Green Belt and land which does not contribute to the landscape and scenic beauty of the AONB." However the site fully performs its Green Belt purposes and the quality of the landscape of an area should not be a consideration when assessing the contribution of Green Belt to the fulfilment of those Green Belt purposes. The arguments used by the applicant are frequently applied by developers to urban edge sites in the Green Belt; if accepted they form a circular argument. The site is released from the Green Belt and the next site up then becomes the urban edge and the same argument is then applied to that and the Green Belt is gradually eroded.

In terms of the visual impact on openness, the Applicant considers that this will be extremely limited, but then acknowledges that "there will be some significant changes to the views of adjacent residents and recreational users of the Common. Similarly, views will significantly change from the public footpath immediately to the south of the site and Orchard Drive beyond as well as the two footpaths around the field to the north of the site." In other words, there will be significant impact when viewed from three of the four sides of the site, including from Public Rights of Way (Prows 11 and 014) and longer distance impact from other parts of the Green Belt. This is borne out by the photographs of receptor sites included in the documentation. Apart from the receptors mentioned above, the development would also be clearly visible from a number of other sites. e.g. View 5 Amersham Road where it is claimed that "the site is screened by hedgerow vegetation even during the late winter", (except, unfortunately, in this photograph.)

The Planning Statement says that the focus of these planning applications is not the removal of the land from Green Belt (para 6.28) but that is precisely what they will do. NPPF Paragraph 136, states that Green Belt boundaries should only be altered where exceptional circumstances are "fully evidenced and justified" and such alterations should be carried out through the Local Plan process. We agree, fundamental strategic planning should be undertaken through the local plan process, not ad hoc speculative applications.

At the present time the Council is developing its emerging Local Plan. Given the recent dramatic reductions in future household projection for Three Rivers, the impact that the proposals will have on the Green Belt and the national status of the AONB, approval would have a significant effect on the Local Plan process by predetermining decisions about the scale, location and phasing of new development that are central to an emerging plan, and NPPF para. 49 on prematurity may be engaged.

### **NPPF Section 15 Conserving and Enhancing the Natural Environment.**

This section of the NPPF includes the protection of the AONB. Much of the argument put forward by the applicant for developing on it is the same as that discussed above under Green Belt and we will not repeat those points here. There are additional points, however.

The AONB is statutorily protected in the National interest through the Countryside Rights of Way Act 2000. Its protection and enhancement is therefore at the highest possible weighting in the overall planning balance.

Section 84 of the Act states that a Local Planning Authority whose area consists of or includes the whole or any part of an AONB has power to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of that area. That includes prohibiting inappropriate development.

Section 85 of the Act places a statutory duty on all relevant authorities requiring them to have regard to the purpose of AONBs when coming to decisions or carrying out their activities relating to or affecting land within these areas. This is known as the 'duty of regard'. It is the responsibility of the Local Planning Authority to fully justify its recommendations for

approval of development proposals by referring to the criteria for the AONB's special qualities.

NPPF para. 172 limits the scale and extent of development within AONBs. There is a clear emphasis for a higher level of importance to be placed on the purpose of the designation when assessing development proposals that impact upon it. Major development is unacceptable unless exceptional circumstances exist and where it can be demonstrated that the development is in the public interest. 'Exceptional' circumstances are more onerous than 'very special' circumstances. (As so often, the NPPF does not define 'Major' development but footnote 55 states that it is to be assessed by reference to the nature, scale, setting and effect of a given proposal and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.) Clearly an estate of 300 houses, far less 800 houses, is major development.

NPPF Paragraph 172 sets out what should be assessed when considering applications in AONBs:

(a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.

The Applicant, rightly, draws attention to the national pressure for more houses and the deficiencies in the Council's supply of housing. The Government's focus on increasing housing supply often seems to dominate Local Planning Authorities' thinking (and that of Applicants) and results in an assumption that objectively assessed housing needs must be met, or exceeded, at all costs. National planning policy does not require development that causes harm to nationally designated landscapes to be automatically approved. Planning Practice Guidance, as revised in July 2019, states "The National Planning Policy Framework makes clear that the scale and extent of development in these areas [AONBs] should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non- designated) areas". Paragraph: 041 Reference ID: 8- 041-20190721.

While there is reference in the documentation to the potential positive impact on the local economy should the developments be permitted, there is little on the impact if it is refused, or analysis of any negative impacts. In assessing the planning balance the Local Planning Authority need to take into account the negative impacts of the proposed developments on the 13 benefits of the AONB listed in pages 15-18 inc. of Natural England document 'NCA 110 Chilterns'. The assessment of public interest must also take into account the value that people place on nationally important landscapes and the impact on them of its loss.

(b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way;

The Final Report of the Landscapes Review National Parks and AONBs says that "AONBs should not be the place for major intrusive developments unless, as is stated in the NPPF, they are truly in the national interest without any possible alternative locations being available".

Regulation 18 (3)d of the Environmental Impact Assessment Regulations 2017 requires a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment.

The current Chilterns AONB Management Plan 2019-2024, which is a material consideration, requires any such development proposal to be accompanied by a report setting out a sequential approach to site selection. This should evidence the extent to which alternative sites have been assessed before the selection of sites within the AONB, and clearly identify why sites outside of the designated area could not be developed. The report should also identify and evidence why the need for the development could not be met in some other way.

In considering alternative site options, the Environmental Statement Non-Technical Summary says : “The 2017 Regulations do not require the full assessment of all potential alternatives, only a reasonable account of those actually considered by a developer prior to the submission of the planning application. For this Site there are two realistic types of alternatives, the ‘do nothing’, where the existing site remains in its current state, or alternative layouts to the Proposed Development submitted for planning approval. Under the ‘do nothing’ scenario, there would not be development and the Site would remain underused in terms of its economic and social potential. The Site would not contribute to the local and regional housing needs of both private and affordable tenure and there would be no socio-economic benefit from the Site. This is not an alternative option that has been considered further.” (paras 1.81 - 1.83). This is inadequate and self-serving. There are references in the Planning Statement to other sites which were brought forward in the Council’s call for sites consultation, but no objective, rigorous analysis as required by both the Regulation and the AONB Management Plan.

(c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The Applicant’s response to this is essentially the same as those outlined under ‘Green Belt’ above. It is considered that “the land does not contribute to the landscape and scenic beauty of the AONB” (Planning Statement para. 7.2); “harm to the AONB would be localised and limited”. (para. 7.5) The Design and Access Statement says that the site “does not have a remote feel or many characteristics typical of the Chilterns [AONB].”(para. 1.10.79). There are many different characteristics in different parts of the AONB and we fail to see the relevance of whether a part of it has a remote feel or not. Again, none of these comments is supported with rigorous, objective evidence.

The applicant puts forward a series of points which they consider to be either ‘very special’ or ‘exceptional’ circumstances to meet the requirements of the NPPF policies. These distil into the following headings.

(a) the amount of housing which will go towards national and local need.

This is considered to be an exceptional circumstance and is rightly a material consideration of significant weight, but, as we have pointed out, Planning Practice Guidance says policies for protecting the AONB may mean that it is not possible to meet objectively assessed need for development in full and the AONB is unlikely to be a suitable area for accommodating unmet needs and the extent of public interest in the need for housing has to be balanced against that in the Green Belt and the AONB.

(b) the amount of affordable housing;

This too is a material consideration, but what is being proposed is no greater than the requirement in the Council’s Development Plan.

(c) the proposal is sustainable;

In most respects this is true, but there are areas of concern, such as the fact that within a 2 km walkable catchment from the Site there are four primary schools which were assessed

to have no spare capacity. It is estimated that this will have a negative impact on the primary school pupils in the Walkable Impact Area resulting in a major adverse effect over the long term.(Design and Access Statement para. 1.10.4) and similarly the proposed development is estimated to have a negative impact on secondary school pupils resulting in a moderate adverse effect over the long term. (para 1.10.9). It is proposed that this will be mitigated by a suitable financial contribution to allow the local planning authority to fund places elsewhere. In other words pupils will have to go out of the area for education, which is not satisfactory for them and will exacerbate car use.

(d) the land doesn't contribute to the scenic beauty of the AONB;

This is covered above. There is no justification for this opinion and it cannot be considered as a very special circumstance. Rather the proposals detract from the setting of the AONB and have an adverse impact on views into and out of the area.

It is interesting that the Applicant holds this view. Recently they submitted a planning application for the golf course on the other side of Green Street, directly opposite this site, which is also in their ownership. (Application no. PL/20/0429/FA to Buckinghamshire Council Chiltern Area) The Landscape and Visual Impact Assessment accompanying that application says that that site “enjoys many of the special qualities of the Chilterns AONB”, “ has unique landscape characteristics defining the region” and “many attractive elements relating to the landscape context”. It seems strange that those special, unique and attractive landscape qualities evaporate when you cross the road.

(e) peppercorn rents for the Chorleywood Common Youth football club and Chorleywood golf club to use land on Chiltern Hills Golf Club and the construction of a clubhouse for the football club.

These are acceptable benefits to the local community, but raise other issues.

The application to Buckinghamshire Council Chiltern Area includes the erection of a temporary clubhouse and a ‘Green plateau’ for use as football playing pitches. That application is as yet undecided. Consequently the offer is speculative and cannot at this stage be considered as a genuine ‘very special circumstance’

As mentioned Chiltern Hills Golf Club is also the Applicant for the current applications under discussion here. They have a vision for the future development of the Golf Club site into a community sports hub. The development proposes a new golf driving range, a public running track and completion of the previously approved 9-hole golf course as well as the football pitches and clubhouse. It already has permission for a new golf clubhouse and parking. The Council will have to satisfy itself that the current applications are not intended to be enabling development to facilitate the expansion of the golf course into a community sports hub. If so, then other factors come into play in determining the planning balance.

(f) new open space for young people.

There is a recognised need for such a facility in Chorleywood. The Council will have to decided how much weight can be given to this circumstance and whether it is ‘very special’

We note that on page 4 of the Statement of Community Involvement the applicant has given an undertaking to withdraw the application for 800 units should the Council resolve to grant planning permission to the 300 unit scheme. These applications are not a binary choice. Each must be considered on its own merits and the council could (and should) refuse them both. It also begs the question of what happens to the residual farm land in the case of the approval of the 300 unit scheme. That would leave the bulk of the existing field unused for development. Will it continued to be farmed or will it be used for some other purpose? That

point is not addressed in the documentation. Either way, it leaves the possibility for further development in the future, which would negate the offer made in the Statement.

In our view, contrary to the Applicant's assertion, the individual and cumulative application of the policies in NPPF foot note 6 produce clear reasons for refusal and we urge the Council to reject these applications.

#### 10.4 The Chiltern Society:

The Chiltern Society have considered the above planning applications and strongly object to these developments at the 300 homes and 800 homes level. Our comments are grouped under three main headings.

- 1) The relationship with overall planning documents – namely the National Planning Policy Framework (NPPF); the Chilterns AONB Management Plan and the Chorleywood Neighbourhood Development Plan (NDP).
- 2) The impact on transport and local infrastructure
- 3) The Applicant's Overall Planning Statement

Even at the 300 homes level, this application constitutes a major development considerably adding to the size and population of Chorleywood adversely impacting the local environment and as such requires detailed scrutiny. The 300 homes level will ultimately lead to the 800 homes level; thus this objection covers both applications - 20/0898/OUT and 20/0882/OUT.

##### **1. Green Belt and AONB Issues**

The land in question is designated both Green Belt and Chilterns AONB land. These designations are there for a purpose – to protect outstanding areas of the UK countryside and to prevent urban sprawl maintaining an environment vital to public enjoyment and health. The Chilterns AONB is nationally protected as one of the finest areas of countryside in the UK. Public bodies and statutory undertakers have a statutory duty of regard to the purpose of conserving and enhancing the natural beauty of the AONB.

The key characteristics of the Green Belt are its openness and permanence. In our view, both of these characteristics would be adversely affected by the development. In particular, the sheer scale of the development would have a significant impact on the Green Belt.

The Town Planning and Affordable Housing Statement accompanying the application seeks to address issues in relation to the Green Belt and to justify why the applicant considers that very special circumstances exist.

Firstly, it is necessary to determine whether the proposal would be considered to be 'inappropriate development' in the Green Belt under paragraphs 143-146 of the National Planning Policy Framework (NPPF). The applicant does not dispute that the development would be inappropriate in the Green Belt under paragraph 146.

Secondly, the applicant is required to demonstrate that 'very special circumstances' exist, demonstrating that the benefits of the proposal 'clearly outweigh' the harm to the Green Belt. The key aspects of the Green Belt that need to be assessed are their openness and permanence. We do not understand how it can be considered that the development of 300/800 homes on a greenfield site can be considered not to impact significantly on openness. Openness should be interpreted as land free from development. As there is currently no development on site, the development must impact negatively and substantially on openness. The Green Belt designation is considered to be permanent, unless it is altered through the preparation of a Local Plan.

Also, the development would clearly conflict with the purpose of the Green Belt that relates to safeguarding the countryside from encroachment. The site is a green field that forms part



of the edge of the Chilterns and is therefore of local landscape importance. The proposed development would give the site a more urban appearance. The proposed development, particularly at the 800 homes level, will be visible from the Chorleywood Conservation area.

Therefore, we conclude that the development must be considered to be 'inappropriate development' and that the onus is on the applicant to demonstrate why very special circumstances exist. The harm in this case is substantial due to the current open appearance. The landscape impacts, as identified in the Landscape and Visual Impact Issues Chapter of the EIA, are largely negative and will need to be given considerable weight against the development.

The applicant has tried to argue that very special circumstances exist based mainly on the need for housing across Three Rivers District. Whilst these are valid arguments that have to be given some weight in favour of the application, they do not, in our view, clearly outweigh the significant harm to the Green Belt that would be caused by this development.

The NPPF, paragraph 172, recognises the importance of AONBs and major development should only be considered in exceptional circumstances and where the area can be enhanced and improved. "Great weight should be given to conserving and enhancing landscape and scenic beauty in .... Areas of Outstanding Natural Beauty". This exceptional situation is not presented, and no case is made for this development.

In relation to the Chilterns AONB, this proposal has to be considered to be a major development under paragraph 172 of the NPPF. The onus is on the developer to demonstrate that the requirements of the NPPF in relation to major developments have been complied with and they must demonstrate why exceptional circumstances exist for allowing the development, and why it is in the public interest.

Again, the applicant is relying on the need for additional housing in the District, and Chorleywood in particular, being the main reason that they consider exceptional circumstances exist and that the development is in the public interest. In our view, this reason alone is not sufficient to justify a significant loss of open land within the AONB. Whilst the applicant suggests that the impacts would be limited by landscaping, there is no doubt that this part of a nationally important landscape would be severely harmed.

Should the Council be minded to approve this application in the Green Belt and AONB against our advice, we would wish the development to be an environment-led scheme, which takes full account of environmental impacts and includes a comprehensive structural landscaping scheme and habitat creation works that would lead to a net gain in biodiversity. The use of features such as green roofs, permeable surfaces and sustainable drainage systems should be a key part of the design of the development. Key views should be identified and both on-site and off-site mitigation measures incorporated to minimise the impacts. Lighting schemes would also need to be carefully designed to minimise light spillage.

The Chorleywood Neighbourhood Development Plan (NDP), part of the Government's determination to ensure that local communities are closely involved in the decisions which affect them, has been widely consulted across the community. This plan is to "protect the Parish from uncontrolled, large scale, or poorly placed development;

- ensure development is sympathetic to, and improves, the look and feel of the Parish;
- minimise the loss of greenfield sites by, where possible, using previously developed sites;
- give the Parish the potential to access Community Infrastructure Levy funding to improve facilities; and
- identify additional actions to improve Chorleywood's facilities, services and local environment".

The NDP concludes that the Parish's key feature is its 'rural feel' which makes Chorleywood distinct and provides environmental, leisure and aesthetic benefits to the Parish and its community.

Loss of AONB and Green Belt land to this proposed development, the extent of the development itself and the negative impacts on infrastructure as outlined below, are in direct conflict with the NDP and clear reasons for objection.

## **2. Local Infrastructure**

The scale of this development, even at the 300 homes level, will have a considerable adverse impact on local infrastructure.

### **Roads**

The Chorleywood area is characterised by narrow single carriageway lanes and only a few minor A-Roads. The A404, a narrow single two-way carriageway road, is already saturated particularly in peak hours. The road links towns to the west (the Chalfonts' and Amersham area) with access to the M25 at J18 and will be the road most affected by this development. Proposed development in the Chalfont's and Amersham will add further (as yet unconsidered) congestion. The M25 itself is currently overloaded in the sector M1 to M4 junctions. There is little scope at J18 or J17 for greater traffic capacity.

There will inevitably be traffic spill-over into the network of narrow lanes around Chorleywood which today are often severely grid-locked. Examples are Long Lane connecting to M25 J17 and Berry Lane/Stag Lane/Dog Kennel Lane connecting to Rickmansworth, all of which are narrow and with only occasional and ad-hoc passing places restricting two-way traffic.

Traffic is more than just from the inhabitants of the development but will include service and delivery vehicles, etc which are a rapidly increasing component of road transport.

In addition to narrow country lanes, there are limited and narrow crossings over or under the rail line. This constricts traffic further and adds to the problem of grid-locked roads.

The traffic analysis appears to have been conducted declaring 'peak travel' between 07:15 to 08:15 and 16:15 to 17:15. What evidence supports the selection of these time periods? We do not believe these times represents the true peak of local travel and therefore the basis of the analysis is likely to be flawed.

### **Rail Transport**

Peak hours rail travel to London is now on over-congested trains with 'standing all the way'. London bound trains arrive already full and situation which will get worse given proposed housing development further up the line towards Amersham and Aylesbury. The local rail network cannot sustain further commuters. The proposed direct connection to Watford appears dead. Chorleywood station parking is already full with no obvious solution and to say everyone will walk or cycle to the station is an unrealistic assumption.

### **Village Parking**

Despite recent steps to improve parking in Chorleywood village, there is little space with no easy solution. This housing development will overwhelm the current parking arrangements. Again, assuming people will always walk is unrealistic.

### **Schools & Nurseries**

Schools in the area are currently saturated with Primary schools full and Secondary near full capacity. While St Clement Danes is within close walking distance of the proposed housing development, this school has been expanding over the years and there is little scope for further expansion. This housing development will dramatically impact the catchment area, resulting in displacement of many local pupils to other distant schools

causing further road congestion particularly in the 'lanes' around Chorleywood. A point not addressed in the application. No mention of nursery facilities.

### **Health Facilities**

Primary healthcare facilities are already close to being overloaded and will be unable to meet the increased demand caused by the scale of this housing development. The assessment is shown to be flawed with an incorrect analysis of the Gade Surgery capacity.

### **Leisure Facilities**

The submission states that new golf and football facilities will be aided by this development. But Chorleywood already has these facilities (which are underused if anything), so this 'additional benefit' is overstated.

### **Wastewater and Flooding**

It is understood that the local wastewater treatment site cannot cope with this development (ref Thames Water statement) and no solution is proposed. Chorleywood has had a history of surface water flooding with recent measures seemingly managing the situation. However, with the proposed development site sloping towards the centre of Chorleywood, this development will pose a new risk and any mitigation measures will need to be independently assessed to ensure no incident of future flooding can arise.

### **3. Applicant's Planning Statement**

The applicant's overall planning statement is a list of carefully selected assertions without clear evidence intended to show the benefits of the development. In many cases the information submitted is misleading, highly selective, or poorly researched (e.g., health and transport).

Given the major nature of this development(s) and in the absence of a relevant Local Plan, we believe it is impossible to assess the impact and benefits of these applications fairly and fully. The applications are therefore premature at this time.

Sustainability is a frequent word used in the applicant's submission. Sustainability is not just a having a housing development at any cost, but a consideration and mitigation/enhancement of other issues that affect normal life – the need for open space, good transport and roads, good access to schools and health facilities, etc. This application fails to adequately address the adverse impact on these other important aspects.

### **Summary**

In summary, this major and high density development, uncharacteristic for the area, does not respect the Green Belt and AONB designations and will adversely affect the already creaking infrastructure around Chorleywood detracting from the rural character, the quality of life and sustainability of the area.

No convincing case is made for this development and balancing arguments on sustainability are not considered. Analyses presented is often flawed and insufficient.

The application is made in advance of a relevant Local Plan and because of the large extent of this proposed development this would appear a to be a major issue as there is no proper framework to consider and balance the conflicting issues raised.

On the grounds presented in this letter, the Chiltern Society strongly object this this application.

Little Chalfont Parish Council, although not a standard consultee, objects strongly to both the above applications and requests Three Rivers District Council to take the following reasons into account.

Residents in Little Chalfont already suffer unacceptable congestion and pollution from the A404 which passes directly through the village centre and shopping area. This harm would be increased if a large housing development is permitted near the A404 in Chorleywood, as residents there would use the road to travel to points west including the M40. Increased congestion in Chorleywood, especially at the Dog Kennel Lane junction and at the M25 Junction, would also materially harm the amenity of Little Chalfont residents.

Little Chalfont Parish Council strongly supports the case made by the Chiltern Society in their objection, and objects particularly to the proposed destruction of green belt and AONB.