

PLANNING COMMITTEE – 23 MARCH 2023

PART I - DELEGATED

9. **22/1692/FUL – Demolition of existing buildings within the Poultry Farm, and construction of 37 dwellings with associated residential curtilages, open space, landscaping, access and car parking at 30 WOODLANDS ROAD AND POULTRY FARM, NASH MILLS, HERTFORDSHIRE, HP3 8ZR. (DCES)**

Parish: Abbots Langley

Ward: Gade Valley

Expiry of Statutory Period: 04 April 2023

Case Officer: Claire Wilson

Recommendation: That Planning Permission be GRANTED following the completion of a S106 agreement to secure the provision of affordable housing.

Reason for consideration by the Committee: This application has been called in by three members of the Planning Committee Due to concerns in relation to the access road, both during construction and the increase in traffic once completed.

In addition, the application has been called into Committee by Abbots Langley Parish Council if officers are minded to approve due to concerns regarding access to the site and that the development would constitute inappropriate development in the Green Belt.

1 Relevant Planning History

- 1.1 8/521/80: 29 Detached Houses and service road (Outline). Application refused.
- 1.2 8/242/81: (Outline) Proposed conversion of farm buildings into industrial units with ancillary car parking and access. Application refused. Appeal dismissed.
- 1.3 8/765/86: Erection of 50 dwellings with associated access roads parking etc. Application refused.
- 1.4 06/1907/OUT: Outline Application: Demolition of workshop, small store and disused bungalow and the erection of a steel framed building to be used as a Farm Shop with associated office, storage and preparation area. Application withdrawn.
- 1.5 07/0019/OUT: Outline Application: Demolition of workshop, small store and disused bungalow and the erection of a steel framed building to be used as a Farm Shop with associated office, storage and preparation area. Application permitted. Permission not implemented.
- 1.6 07/1576/AOD: Approval of Details 07/0019/OUT: Demolition of workshop/store and bungalow and erection of building to be used as Farm Shop with associated office/storage and preparation area. Application permitted. Permission not implemented.

2 Description of Application Site

- 2.1 The application site consists of an area of land located to the rear (south) of Woodlands Road and includes no.30 Woodlands Road which is an existing single storey bungalow which fronts the access drive and parts of Woodlands Road.
- 2.2 Woodlands Road is a residential cul de sac consisting of a mix of single and two storey dwellings and is accessed via Hyde Lane, Nash Mills. The piece of land to the rear of Woodlands Road subject to this application is currently accessed via a private access driveway between two existing properties.

- 2.3 The main part of the application site currently contains a number of disused buildings, these are primarily single storey, although there are some buildings of increased height around the site including a tall grain store which is located centrally. These buildings are associated with the former use of the site as a Poultry Farm and therefore are agricultural in appearance. It is understood that the former use ceased some time ago, and the buildings are acknowledged to be in a poor state of repair. There is a significant amount of hardstanding across the site, however over time this has become overgrown with grass. The levels on the site slope down from east to west, although it is noted that the railway embankment to the west sits at a higher land level relative to the application site.
- 2.4 The application site is bound by the rear gardens of the Woodlands Road properties to the north, with the site sitting at a lower land level relative to the existing residential road. There is woodland located to the east, an open field to the south and the West Coast Railway line to the west.

2.5 The site is located within the Metropolitan Green Belt.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for the demolition of the existing buildings within the Poultry Farm, and construction of 37 dwellings with associated residential curtilages, open spaces, landscaping, access and car parking. It is noted that the existing detached bungalow known as no.30 Woodlands Road, is included within the red line of the application site (this is being refurbished internally but no external alterations are proposed), and thus there would be a total of 38 residential units within the red line.
- 3.2 The proposed development would be accessed via an existing access road located between no.30 and 28 Woodlands Road which would be widened to a width of approximately 5.9m. This would provide access to a new internal access road which would serve the proposed development.
- 3.3 The plans indicate that the proposed dwellings would be set out in a courtyard style arrangement around a central amenity area which would have an area of approximately 1595square metres. The built form is indicated to be located a minimum of approximately 10.2m from the eastern boundary of the site with the existing woodland and a minimum distance of approximately 11.5m from the southern boundary with the existing paddock. The proposed apartment block would be located a minimum distance of approximately 19.9m from the boundary with the railway line, with development located a minimum distance of 10.5m from the northern boundary with Woodlands Road (taken from the northern elevation of Plot 06).
- 3.4 The development would consist of mix of residential dwellings and flatted style development and would be a maximum of two storey in scale. There would be a total of 21 flats, and 17 houses. The plans indicate that the built form would generally have pitched roof forms with gables with a maximum height of 8.8m (for the apartment blocks when taken from the lowest land level indicated on the submitted elevations). In terms of appearance, the plans indicate the use of corrugated metal cladding and timber cladding to the facades, with metal roofing proposed.
- 3.5 The dwellings would be served by a mix of private gardens, private balconies and the central communal amenity space.
- 3.6 The development would provide a total of 78 off street car parking spaces, some of which would be provided within garages, and some within the undercroft areas of the proposed apartment buildings. The parking areas to the west, would also be accessed via an undercroft area of the proposed flats.

- 3.7 In addition, it is noted that the applicant is proposing the provision of a new pedestrian footpath located outside of the redline of the application site, fronting Hyde Lane. The submitted plan indicates that it would be provided from the corner of Woodlands Road (adjacent to no.8 Hyde Lane) and would extend along Hyde Lane to the junction with Lower Road and the Railway Bridge adjacent to Railway Terrace.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [Objection]

Members object to the proposal due to unsuitable access to the site. The proposed plans would compromise the safety of Woodland Road residents and restrict access to existing houses for emergency vehicles. If officers are minded to approve this application, members request it be brought to committee. In its current state, members feel it is an inappropriate development in the Green Belt.

4.1.2 Hertfordshire County Council – Highway Authority: [No objection following receipt of further information]

Original Recommendation: Requesting amendments and further information

Comments: The site is directly accessed via Woodlands Road, which is a private road and not highway maintainable at public expense. Woodlands Road has no designated footways and therefore essentially functions as a shared use road. Woodlands Road meets the nearest highway on Hyde Lane via a simple priority junction, which is approximately 140m from the site access. Hyde Lane is designated as an unclassified local access road, subject to a speed limit of 30mph (on its lower part which has a junction with Woodlands Road) and is highway maintainable at public expense and is a rural road with no pedestrian footways. The nearest pedestrian footways are approximately 220m from the site on Lower Road.

In order for a full consideration as to the acceptability of the proposals to made, HCC as Highway Authority is recommending amendments to the original application and further information including:

- A Stage One Road Safety Audit and Designers Response in relation to the proposed highway works on Hyde Lane. This would be necessary to make a full assessment of the acceptability of the proposed highway works from a safety and accessibility perspective, particularly as this would be necessary to ensure an acceptable level of pedestrian access to and from Woodlands Road and onto the wider footway network;
- Amended site layout to take into consideration that the submitted swept path analysis / tracking plans, which have been submitted as part of the Transport Statement (drawing number 12.4 for a refuse vehicle and 12.5 for a fire tender) illustrate that such vehicles would over-run certain amenity and grassed areas within the site, which would not be considered to be acceptable Furthermore it is unclear how such service vehicles (including emergency and delivery vehicles) would access the site if any other vehicles were parked (however temporarily) on the one-way access road as there would not be a sufficient width for two vehicles to pass on access road with a width of 4.2m.
- An extension of the swept-path analysis for a refuse vehicle and fire tender to illustrate that such vehicles would be able to safely use the proposed access and entrance road into the site.
- Further details as to what has been considered in relation to improving the environment and accessibility for pedestrians on Woodlands Road.

Officer comment: Further information was received by the applicant and the Highways Officer was re-consulted. The following comments have now been received:

Subsequent Recommendation:

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. Highway Improvements – Offsite (Design Approval)

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing number 06B have been submitted to and approved in writing by the Local Planning Authority.

Highway Improvements – Offsite (Implementation / Construction)

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

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

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

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

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

Construction Management

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

- a. Construction vehicle numbers, type, routing;
- b. Any traffic management requirements
- c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas).
- d. Siting and details of wheel washing facilities;
- e. Cleaning of site entrances, site tracks and the adjacent public highway;
- f. Timing of construction activities to avoid school pick up/drop off times;
- g. Provision of sufficient on-site parking prior to commencement of construction activities;
- h. Where works cannot be contained wholly 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.

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).

Highway Informatives

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

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

Comments / Analysis

The proposal comprises of the construction of 37 residential dwellings and associated works on land at Woodlands Road, Nash Mills. A Transport Statement (TS) has been submitted as part of the application. HCC as Highway Authority provided an initial response dated 24/10/2022 to the application requesting further details and amendments. In response to this a supplemental Transport Note (TN) and Stage One Road Safety Audit and Designers Response was submitted in Dec 2022.

Highway Access

The site is directly accessed via Woodlands Road, which is a private road and not highway maintainable at public expense. Woodlands Road has no designated footways and therefore essentially functions as a shared use road. Woodlands Road meets the nearest highway on Hyde Lane via a simple priority junction, which is approximately 140m from the site access. Hyde Lane is designated as an unclassified local access road, subject to a speed limit of 30mph (on its lower part which has a junction with Woodlands Road) and is highway maintainable at public expense and is a rural road with no pedestrian footways. The nearest pedestrian footways are approximately 220m from the site on Lower Road. The proposal do not include any altered vehicle access arrangements from the highway with the application site accessed via the existing simple priority junction with Hyde Lane.

Whilst the submitted TS states that “it has been demonstrated within this report that the existing pedestrian facilities are appropriate to serve the development”, this is not the view taken by HCC as Highway Authority. Therefore a 2m wide footway has been proposed on the southern side of Hyde Lane within existing highway land to provide a safe pedestrian link between Woodlands Road and the existing highway footway network on Lower Road, the details on which are shown on drawing number

06 A (revised to revision B following the review of the RSA). This footway link and associated works would be considered to be necessary to make the proposals acceptable from a highways perspective and improve pedestrian accessibility to and from the site (as much as is achievable when taking into consideration the site and the existing private access road) and to ensure that the proposals are in accordance with Hertfordshire’s Local Transport Plan (LTP4) and the National Planning Policy Framework (NPPF).

The details as submitted as part of the planning application are considered to be acceptable in respect on the proposed highway footway and associated works for this stage of the development process. Nevertheless following the granting of any planning permission, the applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the technical approval of the design and implementation of the works that would be needed on highway land as detailed above. The Stage 1 Road Safety Audit and Designers Response and extent of highway boundary should be submitted as part of the

Section 278 application. Please see the above 278 conditions and informatives for more information.

Internal Site Layout

The proposals include utilising the existing access road to the poultry farm and amending it to provide access to the proposed dwellings, the details of which are shown on submitted drawing 1631/002 J in the TN (updated to take into consideration comments made by HCC as Highway Authority in its initial response). The updated plan includes additional overrun grasscrete areas to facilitate movement for larger vehicles including refuse collection vehicles. The general size and layout of the internal access arrangements are considered to be acceptable by HCC as Highway Authority for a development of this size and type.

Swept path analysis / tracking plans for an 11.2 m long refuse, fire tender, delivery vehicles and cars have been provided in both the original TS and supplemental TN. The details of which are considered to be acceptable by HCC as Highway Authority and illustrates that such vehicles would be able to access the site, turn around and egress to Woodlands Road and the subsequent highway network in forward gear. Nevertheless any access and turning areas would need to be kept free of obstruction to ensure permanent availability of access (particularly for refuse and emergency vehicles) and therefore consideration would need to be given to preventing vehicles parking on any turning areas and access routes at any time – this would need to be considered by any subsequent private management company responsible for the site. The collection method would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management.

The submitted layout and swept paths do illustrate that a fire tender would be able to get to within 45m of all parts of the footprint of any dwellings and be able to turn around and egress the site in forward gear, whilst also not having to reverse more than 20m. This is to ensure that the proposals are in accordance with MfS, RIH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses (and subsequent updates). However the acceptability of this would be subject to the access road being kept free of any potential obstruction including parked cars.

HCC as Highway Authority would not agree to adopt any of the proposed roads as the development is not joined to any other adopted highways (as Woodlands Road is a private road) and would not be considered as being of utility to the wider public. However the works would need to be built to adoptable standards to be in accordance with guidelines as documented in Roads in Hertfordshire: Highway Design Guide. The developer would need to put in place a permanent arrangement for long term maintenance. It is recommended that at the entrance of the development, the road name plate indicates that it is a private road to inform purchasers of their future maintenance liabilities.

Vehicle Parking

The proposal includes the provision of 78 car parking spaces. HCC as Highway Authority would not have any specific objections to the proposed levels, which are in accordance with Three Rivers District Council's (TRDC's) adopted parking standards. It is stated in the TS (section 3.15) that electric vehicle charging points (EVCPs) "will be provided in line with the updated June 2022 Building Regulations for England. These updated standards require that an ECVP must be provided at a ratio of 1:1 for the number of dwellings. Any remaining spaces will have passive installation/ducting to allow for easy EVCP provision in the future". HCC as Highway Authority would be supportive of such provision to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan. TRDC as the parking and planning authority for the district would ultimately need to be satisfied with the overall proposed parking levels on site taking into account the adopted (and emerging parking standards), use class, accessibility zone and the local area.

Trip Generation

A vehicle trip generation assessment for the proposed use has been included as part of the TS (section 5). HCC as Highway Authority would not have any specific objections to the methodology and approaches used to determine the existing trip generation for the residential road, trip generation for the currently approved use of the site (poultry farm) and the anticipated trip generation for the proposed housing. The number of vehicular trips associated with the proposed use are estimated to be 16 two-way vehicle movements in the AM peak and 29 two-way vehicle movements in the PM peak, a level of which would not be considered to be significant or severe in the context of the NPPF to recommend refusal from a highways and transport perspective.

106 Planning Obligations / Community Infrastructure Levy (CIL)

TRDC has adopted CIL and the development is located within area B of TRDC's CIL charging areas. Therefore contributions towards strategic and local transport schemes as outlined in HCC's South West Hertfordshire Growth & Transport Plan (2019) would be sought via CIL or 106 planning obligations as appropriate.

Conclusion

HCC as Highway Authority considers that the proposal would not have an unreasonable or severe impact on the safety and operation of the surrounding highway. The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works on Hyde Lane. Therefore HCC has no objections on highway grounds to the granting of planning permission, subject to the inclusion of the above planning conditions and informatives. Consideration should also be made to keeping the new private access road free of obstruction at all times (including parked cars), to maintain safe and free access for service and emergency vehicles.

4.1.3 Environmental Protection: [No objection]

As long as the areas they say will be kept free, the access should be okay.

4.1.4 Hertfordshire County Council Growth and Infrastructure Unit: [No objection]

Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

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

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

I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit.

4.1.5 TRDC Local Plans: [No objection]

The application seeks permission for the demolition of existing vacant buildings and erection of 37 dwellings and retention and refurbishment of an existing bungalow. The application site has not been allocated as a housing site by the Site Allocations Local Development Document and as such is not currently identified as part of the District's housing supply. The site should therefore be considered as a windfall site. Policy CP2 of the adopted Core

Strategy (adopted 2011) states that applications for windfall sites will be considered on a case by case basis having regard to:

2. the location of the proposed development, taking into account the Spatial Strategy
- ii. the sustainability of the development and its contribution to meeting local housing needs
- iii. infrastructure requirements and the impact on the delivery of allocated housing sites
- iv. monitoring information relating to housing supply and the Three Rivers housing target.

The Spatial Strategy states that new development will be directed towards previously developed land and appropriate infilling opportunities in the urban areas of the Principal Town and Key Centres, which are identified as the most sustainable locations in the District. This strategy is supported by Policy PSP2 in the Core Strategy which states that future development will predominately be focused on sites within the urban area. The application is located partially in the Secondary Centre of Kings Langley, therefore not complying with the Spatial Strategy. However the Core Strategy identifies the Secondary Centre of Kings Langley as providing some access to services and facilities. The Core Strategy also states that some growth within Secondary Centres will help to sustain the vitality and viability of these settlements. The development would result in a net gain of 37 dwellings and would subsequently make a positive contribution to meeting the District's current housing target of 633 dwellings per year.

The proposal site falls within the Green Belt. Policy CP11 of the Core Strategy (adopted 2011) states that '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 National Planning Policy Framework (NPPF) (2021) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DM2 of the Development Management Policies LDD (adopted 2013) states that the construction of new buildings in the Green Belt is inappropriate, with certain exceptions listed in the NPPF. According to the NPPF, very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations. One exception is the partial or complete redevelopment of previously developed sites (i.e. the proposal site), whether redundant or in continuing use, which would: 1) not have a greater impact on the openness of the Green Belt than the existing development; or 2) 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 (paragraph 149(g), NPPF). In order to satisfy the exception stated in the first part of paragraph 149(g), the proposed building footprint, bulk and height of the development must not result in a greater impact on the openness of the Green Belt than the existing development. With regards to the second exception stated in Paragraph 149(g), the proposal entails the re-use of previously developed land for residential development which would contribute towards the affordable housing need in the District.

Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs, in terms of size and type of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:

	1-bed	2-bed	3-bed	4+ bed
Market Housing	5%	23%	43%	30%
Affordable Home Ownership	21%	41%	28%	9%

Social/Affordable Rented Housing	40%	27%	31%	2%
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The application supporting documents propose 38 dwellings, which includes retention of an existing bungalow, with a unit mix as shown below:

	1-bed	2-bed	3-bed	Total
Private Housing	2 (5%)	1 (3%)	18 (47%)	21 (55%)
Affordable Housing	10 (26%)	7 (18%)	-	17 (45%)
Total	12	8	18	38 (100%)

The proposed housing mix does not align with the recommended mix as set out in the LHNA. Policy CP3 recognises that a proposed housing mix may need to be adjusted for specific schemes to take account of market information and specific site factors. The application planning statement states the overprovision of one-bed units would allow for the development to make a significant contribution towards the District housing need. This does not meet the housing mix need in the District however, there may be market factors which make an alternative mix appropriate.

Policy CP4 of the Core Strategy requires 45% of all new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. On 24th May 2021, the Government published a Written Ministerial Statement (WMS) to set out the Government's plans for the delivery of First Homes defining the product and changes to planning policy. Following publication of the WMS, Planning Practice Guidance (PPG) was updated to reflect the WMS and will now form a material consideration in decision making. As a result of the introduction First Homes, the tenure mix for affordable housing under Policy CP4 of the Core Strategy (2011) is:

- 25% First Homes
- 70% social rented, and
- 5% intermediate.

The First Homes Policy Position Statement provides more information on the specific requirements for First Homes and is published on the Council's website: <https://www.threerivers.gov.uk/egcl-page/core-strategy>.

The application supporting documents propose 17 new affordable dwellings (45%) with a tenure mix consisting of:

	1-beds	2-beds	Total
First Homes	4	-	4 (23%)
Social rented	5	7	12 (71%)
Intermediate	1	-	1 (6%)

Based on the proposed affordable housing figures, as outlined above, the application generally complies with Policy CP4.

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

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

Minerals: In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. It should be noted that British Geological Survey (BGS) data also identifies superficial sand/gravel deposits partially within the area of the application site.

The county council, as the Minerals Planning Authority, identifies the entirety of the Sand and Gravel Belt together with the identified resource blocks outside the Sand and Gravel Belt, as Mineral Consultation Areas. Planning applications submitted to the District and Borough Councils for non-minerals development that fall within a Mineral County of opportunity Consultation Area (other than applications which meet the 'excluded development' criteria), may not be determined until the county council has been given the opportunity to comment on whether the proposal would unacceptably sterilise mineral resources.

Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. This may include excavating the foundations and footings or landscaping works associated with the development.

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 resources, however due to the site being previously developed it is unlikely that there are any further resources to be extracted for use on site during development.

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 National Planning Policy for Waste (October 2014) sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises 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 regard to the penultimate paragraph of the policy;
- Policy 2: Waste Prevention and Reduction; &
- Policy 12: Sustainable Design, Construction and Demolition

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.

A development of this size would require the consideration of minimising waste generated during demolition, construction and its subsequent occupation, encouraging the re-use of unavoidable waste where possible and the use of recycled materials where appropriate. In addition regard should be given to the design of new housing development to ensure waste collection vehicles can gain access for the collection of household waste and recyclables.

The County Council, as Waste Planning Authority, would expect commitment to producing a SWMP and for the SWMP to be implemented throughout the duration of the project. The SWMP must be prepared prior to commencement of the development and submitted to the Waste Planning Authority for comments.

Project and People

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

Estimating Waste

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

Space for Later Recordings

- Space for the recording of actual figures against those that are estimated at the start
- Space that will allow for the recording and Identification of those responsible for removing the waste from site and details of the sites they will be taking it too
- Space for recording of explanations that set out the reasons for any deviations from what has been set out in the SWMP, including explanations for differences in waste arisings compared to those set out in the initial estimations.

If a SWMP is not produced at the planning application stage, we would request the following condition be attached to any approved planning permission:

Condition: No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the

amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

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

Operational Waste Sites: The District Council should also be aware that there are two operational waste sites (SA142 Kings Langley Depot and SA941-ASM Metal Recycling Ltd) within 250m west of the proposed development. The proximity of existing, operational waste sites does not appear to have been taken into account in the Planning Statement submitted with the planning application. These permanent waste facilities are safeguarded under Waste Policy 5 of the Waste Core Strategy and Development Management Policies Document due to its important contribution to the strategic network of waste management provision in the county.

Consideration should be given to the 'Agent of Change' principle (NPPF Paragraph 187_ which states that Planning Decisions on New Developments should ensure integration with existing business such that they do not have unreasonable restrictions placed upon them. The District Council would need to satisfy itself that the design of the proposed development has taken into account the need to mitigate any negative impacts (such as noise and dust) arising from the proximity to waste facilities.

- 4.1.7 Environmental Health Officer (Commercial): [Initial concerns, but objections withdrawn following submission of further information].

Air Quality

The proposed development meets the stage 1 criteria given in the EPUK/IAQM guidance document entitled Land-Use Planning & Development Control: Planning For Air Quality. Consideration should be given to the potential impacts of neighbouring sources on the site and the impact of the development on the surrounding area.

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

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

Land Contamination

I have reviewed the Phase 1 Desk Study prepared by IDOM (Report ref. DS-22459-22-168).

The preliminary risk assessment has identified a number of plausible contaminant linkages that required further investigation.

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

3. 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 site investigation, based on the Phase 1 Desk Study prepared by IDOM (Report ref. DS-22459-22-168) 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 the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

3. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance

with the requirements of condition 1, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1.

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.

Officer comment: Following comments from the Environmental Health Officer, the applicant provided an Air Quality Assessment and the following comments have been received:

I have reviewed the Air Quality Assessment prepared by Ardent Consulting Engineers (Report ref. 2207660-01).

The potential construction phase impacts have been assessed, with proposed mitigation in place, it is considered that the residual effect will be not significant. It is considered that the effect of emissions from construction traffic is likely to be not significant.

The impacts of operational traffic generation associated with the proposed development have been assessed and are anticipated to fall below the relevant screening criteria. The effect of proposed development traffic is considered to be not significant.

It is anticipated that pollutant concentrations at sensitive locations within the proposed development will be below the relevant air quality objectives.

I would recommend that a condition requiring the submission of a dust management plan be applied to any permission granted. The dust management plan should incorporate the recommended mitigation measures discussed in Section 6.0 of the Air Quality Assessment.

4.1.8 Environment Agency: [No objection]

We have reviewed the consultation for 22/1692/FUL and it doesn't fit the criteria for a statutory response.

4.1.9 Herts Archaeology: [No objection]

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

This office has previously provided advice on a similar proposed scheme on this site under the application reference 15/0806/PREAPP. Much of the advice which follows is similar to that given previously.

The Gade Valley is known to have been the site of human occupation for millennia, with the sloping riverbanks particularly favourable to prehistoric settlement. The proposed development site is in an area of comparable topography to the site on the opposite side of the valley where the cropmarks of three likely prehistoric circular enclosures are located [HER 2365, 2366, 2367]. Previous archaeological investigation at Primrose Hill exposed peat deposits dating to the Neolithic/Bronze Age [HER 15562] and a human cranium thought to represent an in situ inhumation burial was found at the Primrose Hill/Water Lane Industrial Estate [HER 13569]. Therefore, although historic mapping suggests the buildings on the site are modern in date there is the potential for earlier archaeological material to survive in some form below the ground.

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

1. the archaeological field evaluation of the proposed development area, via trial trenching, prior to development commencing;
2. such appropriate mitigation measures indicated as necessary by that evaluation. These may include:
 - a. the preservation of any remains in situ, if warranted,
 - b. appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,
 - c. archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),
 - d. such other provisions as may be necessary to protect the archaeological interests of the site;
3. the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results;
4. such other provisions as may be necessary to protect the archaeological interests of the site;

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Policy 16 (para. 205, etc.) of the National Planning Policy Framework, and relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

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

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

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

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

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set

out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

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

4.1.10 NHS England: [No objection]

Due to the size of the development of 37 dwellings, there will be no request from Health, on this matter. This includes Primary Care/GP, Community, Mental Health and Acute.

4.1.11 Herts Ecology: [Further information required initially; objection subsequently withdrawn]

Summary of advice:

- Sufficient information on European protected species (bats) to allow determination.
- Landscape and Ecological Management Plan advised by Condition
- Further information regarding proposed habitats required.

Supporting documents:

The application is supported by the following report:

- Preliminary Ecological Appraisal by AA Environmental (report date 18 August)
- Supplementary Bat Report by AA Environmental, undated.
- Biodiversity Metric Calculation Tool v3.1, undated.
- Biodiversity Net Gain Technical Note, undated

Comments

The site is situated within a rural semirural/urban area and is dominated by buildings and hard standing and areas of grassland assessed as semi-improved grassland (species poor) a number of trees. The report provides an adequate assessment of the impact of the proposals and is based on appropriate survey methods and effort. Further surveys for bats within the buildings were recommended and have been completed. A list of ecological enhancements has also been given but not defined in terms of number or location.

Bats: The Preliminary Ecological Appraisal found evidence in Buildings E and F suggesting the presence of a low number of brown long eared bats and an assessment of building B as having a low roost potential for bats. Follow up surveys including 2 activity surveys of Buildings E and F and one for building B, consistent with their roosting potential, revealed no further evidence of roosts. I have no reason to dispute the conclusion that the bat use of the site is restricted to its use as an occasional feeding roost by brown long eared bats and as a foraging resource by pipistrelles. I am also not aware of any reason as to why if NE deem a licence is required that one would not be issued. Consequently, I advise that the LPA has sufficient information on bats to determine the application.

Other protected species, suitable mitigation measures are recommended in the report to safeguard nesting birds and prevent injury to roaming mammals that might be utilise the site and have legal protection. These should be followed in full and incorporated into Construction management plans where relevant.

Ecological enhancements: The planning statement includes a commitment to utilise integrated bat boxes within the buildings, the number and location of ecological enhancement s stated within the PEA should be demonstrated within a Landscape and Ecological Management Plan and secured by Condition. A suitable ratio for bat and bird boxes would be 3 per ten houses. The bird boxes shown should favour species of conservational concern associated with urban habitats or urban edge locations.

Biodiversity net gain: The submitted metric shows headline results of a biodiversity net gain for area-based habitats and that this has been achieved within the trading rules. Whilst I support the sowing of biodiversity rich grasslands, the location of which areas are other neutral grassland, and which are lowland meadow is not marked on the landscaping plan included within the Biodiversity Net Gain Technical Note. This is necessary so that the LPA can ensure that the measures that result in the biodiversity net gain claimed are present within the proposals. In addition, the location and seed mixes proposed for these habitats need to be provided so that the LPA can assess the viability of the proposed habitats and their condition being met. For example, areas shown on the submitted plan within the technical note show areas of wildflower meadow in proximity to trees which might cause shading problems.

The long-term management of any final biodiversity landscape measures should be incorporated within the LEMP and include how the relevant UK habitats types and their target conditions listed in the completed metric will be achieved, maintained and monitored.

Officer comment: Following Herts Ecology comments, the applicant submitted further information with regard to BNG and the following comments were received from the Ecology Officer:

Thank you for consulting Hertfordshire Ecology on the application. Please find below my comments, these included an updated response regarding biodiversity net gain.

Summary of advice:

- Sufficient information on European protected species (bats) to allow determination.
- Landscape and Ecological Management Plan advised by Condition

Supporting documents: The application is supported by the following report:

- Preliminary Ecological Appraisal by AA Environmental (report date 18 August)
- Supplementary Bat Report by AA Environmental, undated.
- Biodiversity Metric Calculation Tool v3.1, Dec 22, Rev A.
- Biodiversity Net Gain Technical Note, Rev A.

Comments

The site is situated within a rural semirural/urban area and is dominated by buildings and hard standing and areas of grassland assessed as semi-improved grassland (species poor) a number of trees. The report provides an adequate assessment of the impact of the proposals and is based on appropriate survey methods and effort. Further surveys for bats within the buildings were recommended and have been completed. A list of ecological enhancements has also been given but not defined in terms of number or location.

Bats: The Preliminary Ecological Appraisal found evidence in Buildings E and F suggesting the presence of a low number of brown long eared bats and an assessment of building B as having a low roost potential for bats. Follow up surveys including 2 activity surveys of Buildings E and F and one for building B, consistent with their roosting potential, revealed no further evidence of roosts. I have no reason to dispute the conclusion that the bat use of the site is restricted to its use as an occasional feeding roost by brown long eared bats and as a foraging resource by pipistrelles. I am also not aware of any reason as to why if NE deem a licence is required that one would not be issued. Consequently, I advise that the LPA has sufficient information on bats to determine the application.

Other protected species, suitable mitigation measures are recommended in the report to safeguard nesting birds and prevent injury to roaming mammals that might be utilising the site and have legal protection. These should be followed in full and incorporated into Construction management plans where relevant.

Ecological enhancements: The planning statement includes a commitment to utilise integrated bat boxes within the buildings, the number and location of ecological enhancement s stated within the PEA should be demonstrated within a Landscape and Ecological Management Plan and secured by Condition. A suitable ratio for bat and bird boxes would be 3 per ten houses. The bird boxes shown should favour species of conservational concern associated with urban habitats or urban edge locations.

Biodiversity net gain: A Revised metric and supporting technical note (Revision A) has been submitted. This includes updated grassland seed mixes have been to include shade tolerant species and a more appropriate lowland meadow mix. The location of these are shown on the proposed Habitat Plan (figure 2, Revision A) and are appropriate. Headline results give a biodiversity net gain of 15.05% for area-based habitats achieved within the trading rules. This is above the 10% set out in the Environment Act.

4.1.12 Herts and Middlesex Wildlife Trust: [Objection]

Objection: Biodiversity net gain not demonstrated, biodiversity metric not submitted, protected species surveys not completed, definitive ecological measures not proposed.

In accordance with NPPF and BS 42020, the following information should be provided to demonstrate compliance with these documents

Net gain to biodiversity should be adequately and objectively demonstrated by application of the Natural England Biodiversity Metric.

The NPPF states:

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

d) minimising impacts on and providing net gains for biodiversity

The object of an ecological report for planning should be to demonstrate how the proposals are capable of being consistent with NPPF and local planning policy. Planning policy requires that development results in measurable BNG.

BS 42020 states:

8.1 Making decisions based on adequate information.

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

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

The most objective way of assessing BNG in a habitat context is the application of the Natural England Biodiversity Metric. This metric assesses ecological value pre and post development and has been upheld by the planning inspectorate as an appropriate mechanism for achieving the ecological aims of NPPF.

The recent passing of the Environment Act 2021 reinforces the need to use the NE biodiversity metric to determine measurable biodiversity net gain.

Protected species surveys have not been completed. In accordance with ODPM circular 06/05 they must be completed.

Ecological measures must be definitively stated to accord with BS 42020, recommendations are not enforceable or appropriate, no 'coulds' or 'where possible'.

4.1.13 Thames Water: [No objection]

Waste Comments: Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

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

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

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

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>

Water Comments: 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.

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.

4.1.14 Affinity Water: [No objection]

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

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken. Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

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

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

Infrastructure connections and diversions: There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. 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. 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. Please note that charges may apply.

4.1.15 Cadent Gas: [No objection]

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.

What you need to do

To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice: Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

- 4.1.16 Hertfordshire County Council as Lead Local Flood Authority: [No comment received from the LLFA as due to resourcing issues they have advised they are unable to provide advice. The LPA has therefore instructed an external consultant to provide drainage advice. They initially objected to the scheme, but have subsequently withdrawn those objections].

First Review: A proposed residential development for the retention of the existing bungalow on site and construction of 37 additional residential dwellings at 30 Woodlands Road.

1. Section 5.18 of the FRA identifies that:

“In the event any flows enter from offsite, they will be captured by the onsite drainage system and will be attenuated and released gradually in accordance with the proposed surface water drainage strategy”.

Is this a risk? If so, this may compromise capacity in the proposed drainage network.

2. In accordance with your drainage strategy, how are “surface water flow routes to be maintained” in accordance with the development layout?

3. Why has only one test been undertaken at MTP02, 3 and 4? A Safety Factor of 2 has been used in the assessment. Can you substantiate the Safety Factor of 2 for the soakaways, which is very low, as a means of managing runoff and siltation for the lifetime of development? Has any sensitivity testing been undertaken to demonstrate viability of the scheme?
4. Is there a contamination risk that could affect proposals for infiltration given that the site used to be a chicken processing plant? Contamination Testing is referred to in the FRA soakage testing letter as "to be updated once complete".
5. Is the drainage strategy reliant on permeable paving within private driveways? How can maintenance, in private or areas of communal ownership, be ensured for the lifetime of the development including climate change? A full maintenance and management strategy is required that demonstrates how all infiltration features will be managed for the lifetime of development.
6. A detailed drainage layout, including connecting pipework, and supporting Micro Drainage is required at full planning. Source Control outputs only have been provided.
7. Has development creep been considered?

Second Review:

1. Micro Drainage outputs include a warning to the effect that Half Drain Time cannot be calculated, this needs to be clarified as part of the design. If Half Drain Time exceeds 24 hours, how will a consecutive storm event be managed?

The Design Event is the 100 year + climate change event. Any proposed storage measures should demonstrate a half drain down time within 24 hours up to the 1 in 100 year + climate change event. If this is not possible, either additional upstream storage should be explored, or it should be demonstrated that the drainage system can cope with a subsequent 1 in 30-year event (following the 1 in 100 plus climate change). If a 24 hour drain down cannot be achieved, applicant to demonstrate what combination of events the scheme is capable of attenuating. Applicant to confirm.

2. Whilst the applicant has now included a Safety Factor of 3 in the Micro Drainage infiltration calculations, it is up to the applicant to demonstrate how the consequences of failure associated with the higher values (CIRIA published Safety Factors range from 1.5 to 10) should not reasonably be foreseen for the lifetime of the development including climate change. (i.e., damage to building or flooding of roads).

Refer to the previous point. We need a Safety Factor based on your response to Comment 1 above.

3. The Applicant has identified that:

"The simple index approach has been used to assess the proposed water quality mitigation and the proposed permeable paving mitigates risks from the car park area. The site is in a SPZ III of a Principal Aquifer, so we do not believe further consideration is required. We estimate there is 10m of unsaturated zone beneath the site which will also afford protection to the groundwater.

We note that Affinity Water, who are the presumed abstractor associated with the SPZ, have no comment.

The EA have not specifically been consulted. They are a consultee to the planning application and did not raise a concern for the previous scheme so further consultation was not deemed necessary."

There is nothing else we can comment on regarding water quality for discharge to ground in SPZ III.

4. There is no reference to maintenance of the soakaway in the provided Drainage Strategy (permeable paving only). How will soakaway be maintained when located beneath permeable paving?

Again, this is subject to design requirements in Comment 1 above. Whilst a maintenance turret has now been included for, the soakaway may need to be repaired and replaced throughout the lifetime of the development including climate change.

Third Review: Following the applicant's responses and updated FRA, the drainage strategy and design of SuDS is considered to be suitable for this stage of application. There are two pieces of information to be submitted before commencement of works: contamination testing as required and a full drainage layout plan including connecting pipework (i.e., from buildings).

1. A Safety Factor of 5 has now been used and justification provided in accordance with CIRIA guidance. No further comments.
2. Contamination Testing is referred to in the FRA soakage testing letter as "to be updated once complete".

Applicant response by email dated 11/01/2023 states that "further testing will be carried out at the appropriate time in order to satisfy any relevant planning conditions".

We note the applicant's updated response by email (February 2023) and any further testing requirements should be undertaken as part of a condition prior to development.

3. Applicant has removed permeable paving within private driveways. No further comments.
4. An updated drainage layout plan has been provided but no connecting pipework (i.e., from buildings) has been shown.

The Applicant appears to be expecting this to be a condition of planning. We would suggest that a clear statement as to a compliant drainage scheme needs to be submitted in writing prior to commencement of the works. No further comments at this stage.

5. 10% development creep has now been included for. No further comments.

4.1.17 TRDC Housing Development Officer: [No objection]

Policy CP4 of the Adopted Core Strategy requires 45% of new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. As a guide the tenure split should be 70% social rented, 25% first homes and 5% shared ownership.

The Local Housing Market Assessment (2020) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be 40% 1-bed units, 27% 2-bed units, 31% 3-bed units and 2% 4 bed units.

However, identified need for affordable housing based on the current housing register and the family composition of customers that have been in temporary accommodation provided by the Council suggests the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units. The main requirement is for 2 bed 4 person units, as we have a high requirement for family sized accommodation to ensure that families in temporary accommodation provided by the Council are offered a permanent and suitable property within a satisfactory time frame.

It is encouraging to see you are intending to provide social rented dwellings, however our preference would be for some 3 bedroom properties to be provided in place of the number of 1 bedrooms being proposed.

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

4.1.18 Network Rail: [No objection]

The comments are attached as an addendum to this report.

4.1.19 Transport for London: [No objection]

I can confirm that London Underground/DLR Infrastructure Protection has no comment to make on this planning application as submitted.

However your proposals are adjacent to NR. Please contact them directly to query what affect, if any, the proposals will have on the railway.

This response is made as LU/DLR Railway Infrastructure Manager under the "Town and Country Planning (Development Management Procedure) Order 2015". It therefore relates only to railway engineering and safety matters. Other parts of TfL may have other comments in line with their own statutory responsibilities.

4.1.20 Kings Langley Residents Association: [Objection]

The applicant has 3 justifications for building on the Green Belt,

- Acute Housing Need – 5 yr housing supply
- Acute affordable housing need
- Sustainability – Economic; Social; Environmental Benefit

Problems with this argument. 1st, TRDC's and Government's statements on doing more to protect the Green Belt have all acknowledged that previous assumptions about housing demand were grossly over-stated and targets proposed were unrealistic. The PM has personally confirmed his determination to protect the Green Belt and move the focus away from targets leading to unrealistic numbers of houses to meet a 5-year housing supply.

Secondly, Government guidance on planning explains that land designated as Green Belt serves at least 1 of 5 purposes. What it does not do is seek to argue, as the applicants have tried to do, is that some Green Belt has a higher value than other Green Belt. This Green Belt site on private land has been neglected. Imagine how a visitor would describe any open space if it suffered a similar level of neglect?

More specifically, the developers' reasons put forward to support the 'very special circumstances for Green Belt development meet none of those set out in the National Planning Policy Framework. Instead the 3 justifications set out above, which could be used for any development in any part of the Borough, are put forward as an alternative.

Thirdly, Three Rivers have made plain their intention to ask planning officers to work, irrespective of a change in Government target, on an alternative option (a locally derived housing target). The second Regulation 18 consultation will then go ahead in January or February next year. Any proposals made or discussions that have taken place previously about this site are therefore off the table.

Lastly this site falls within the Chilterns Beechwoods SAC and until a mitigation strategy is in place, there is a moratorium restricting planning decisions for new builds

There are 37 addresses listed who share the upkeep of the unadopted Woodland Road. Due to parking by existing residents the road is effectively single track, the surface of which is in poor condition.

Should the council be mindful to allow this application, enforceable conditions should be put in place to ensure:

- That existing residents are not inconvenienced by the construction traffic.
- That any damage to the road caused by the increased traffic is at least repaired if not resurfaced

That delivery of supplies, storage of material and parking of worker's cars should all be on site.

Consideration and conditions should also be made for the future upkeep of Woodland Road along which new residents must travel to access their properties. There should be agreements in place that they contribute to the costs of maintaining Woodland Road to protect existing residents from additional future maintenance costs caused by the additional traffic. Please refuse this application.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 92

4.2.2 No of responses received: 32 objections, 1 letter of support

4.2.3 Site Notice: Expiry: 23.11.2022 Press notice: Expiry 11.11.2022

4.2.4 Summary of Responses:

Traffic: Traffic would be adversely affected on an already busy junction;
Existing road infrastructure from Railway Terrace is not suitable for extra traffic; exacerbate impacts on the surrounding highway network including Railway Terrace, Lower Road and Hyde Lane;

There are no footways on Hyde Lane or Woodlands Road; concerns with regard to pedestrian and cyclist safety

Hyde Lane is busier than implied due to the number of businesses operating on farms in the lane; Woodlands Road is a narrow, badly surfaced road which is already impassable due to the number of vehicles and the development would exacerbate this;

Current condition of Woodlands Road is fair, the extra traffic will damage the road surface and could require maintenance;

A full condition statement of the road should be undertaken;

Woodlands Road Ltd own 30 Woodlands Road site from August 2022; the existing residents will be in control of the upkeep of Woodlands Road long after Woodlands Road LTD has been dissolved;

The suggestion that future residents could be asked to provide a maintenance charge is not workable as there is no overall road management team in place;

The access to the site via Hyde Lane is dangerous when turning left into it, the building of 37 houses will exacerbate this;

Woodlands Road cannot accommodate extra vehicles from the new estate; Woodlands Road is an unadopted road, the upkeep is paid for by residents and therefore it would be unacceptable to use it as an access to the new development at existing resident's expense; Estimated traffic movements are incorrect; the farm is not a working farm and cannot be used as a comparison;

Proposal to put in a pavement outside of my house, on my driveway. What would happen to my driveway? The previous owners had their house for 14 years and the driveway was the same as now;

Hyde Lane is too narrow to get construction vehicles up and the proposal to take half of the front of the drives of the houses on the road must be challenged as they have had assumed right of access and ownership without challenge for over two decades, and Herts Council would not be lawful in taking this land back;

I met with Highways when we moved in regards widening the driveways. I was told then 22 years ago Highways can take the land back. We have maintained the strip in front of our house for 22 years;

No proposal for a footpath on Woodlands Road;

New footpath will not be safe, as Hyde Lane is used by heavy goods lorries who will mount the kerbs;

Access road cannot be widened if existing bungalow is to remain as stated;

Two way traffic is not possible due to parking either side of the road;

Response quotes more people working from home due to COVID- is this a concrete and valid reason;

Plans include social housing and normally you would expect these to have access to public transport but nearest is over 1km away;

Impact of construction traffic on the condition of the road and concerns in relation to construction parking- will there be sufficient room to park on site;

Bus stops are further away than suggested in the Transport Statement if you have to walk to them;

Traffic survey states whilst no formal footpaths, there are intermittent verges and hardstanding available for use, but given low number of vehicle movements the lack of footway is not a concern. There are no intermittent verges on Woodlands Road;

Transport Survey was undertaken in September 2021 when it was still quiet following Covid. A new survey should be done.

Traffic survey is biased and misleading. How can traffic movements be less than an abandoned site? The site ceased to be a Poultry Farm in the 1970s. The most recent tenants lived there from March 2002 – 2014. It was used for housing sheep over the winter and for the lambing season. There was only seasonal truck movements. The net increase in traffic movements will be 100%

Woodlands Road must be adopted if the development is permitted.

Green Belt: Development would impact on the openness of the Green Belt;

No very special circumstances locally that need more houses in the Green Belt;

TRDC'S and Governments statements on doing more to protect the Green Belt have all acknowledged that previous housing targets were unrealistic. The PM has confirmed determination to protect the Green Belt and focus away targets;

Applicant have argued that some Green Belt has a higher value than other Green Belt. This Green Belt site on private land has been neglected. What if an open space sufferance similar neglect;

The developers arguments regarding very special circumstances could be used for any development in the borough;

Three Rivers have made plaint their intention to ask officers to work, irrespective, of a change in Government target on an alternative option (a locally derived target). The second Reg 18 consultation will go ahead in 2023, therefore any proposals regarding this site are off the table;

The site falls within the Chilterns Beechwoods SAC and until a mitigation strategy is in place, there is a moratorium restricting planning decisions.

Character: High density of buildings and parking is out of character;

Plans are contradictory- in one document it states that unsightly farm buildings will be removed and then that the dwellings will have corrugated roofs which is not in keeping with surrounding dwellings;

Materials are unsympathetic;

Large number of flats proposed which are not in keeping with the character of the area

Traffic will impact on the character and what a farm lane is supposed to be like;

The suggestion of a footpath on Hyde Lane is not practical due to existing trees;

Proposed footpath plan is out of date as most of the trees have been removed due to safety concerns;

The new pavement will impact on the protected Copper Beech Tree that has huge roots partially above the ground level. The impact on the protected Willow Tree.

Residential Amenity: The proposed development on plan have changed since our meeting/consultation with the developer- they are not sympathetic and are overbearing; Block One shows all windows at the north end providing views of gardens on to Woodlands Road;

Increase in traffic will detrimentally prevent residents on Hyde Lane quiet enjoyment of their street;

Increase in noise and pollution;

Planning proposals will impact on the enjoyment of our homes, health or privacy may engage our rights under Article 8 of the European Court of Human Rights.

Housing: Too many 1 and 2 bedroom apartments proposed;

45% requirement for affordable housing is met by over-loading one and two bedroom apartments. The intention of Policy CP4 should be to provide the right amount of housing for people who require them rather than the right number of homes;

Better way would be to calculate a notional occupancy rate;

The development would not meet local housing need;

Proposal contains all social housing in a long continuous block next to the railway line to act as a noise barrier for the remainder of the site;

When there is track maintenance the noise levels are very much increased- is this safe?;

Noise report specifies acoustic measures will be required to reduce noise implications. However, first floor habitable rooms on western elevations will be at high noise risk and will not be able to rely on openable windows at first floor level during the night;

Biodiversity: The development would be detrimental to local wildlife including foxes, badgers, and deer. There are badger sets near to the site;

Biodiversity net gain has not been demonstrated; protected species surveys not completed, definitive ecological measures not proposed;

Bats and bat roosts will be affected by the proposed development.

Drainage/Infrastructure: Building new properties will reduce the amount of land to absorb rain water which could result in flooding and less drainage;

Issues with existing sewerage drains- will developers provide a cess pit?

Proposed development lies in a low flood risk zone- this is inaccurate;

Development falls in a Source Protection Zone for ground water abstraction with Railway Terrace prone to flooding;

Additional burden on already substandard infrastructure;

Other: Planning permission has been previously refused historically for varied scales of development;

Other developments permitted in the locality highlight that development will offer existing residents benefits including an attractive street network and improved signage. The proposed development offers no such opportunity to existing residents;

In 27 years, the site has never been a Poultry Farm; one part time farmer lived at no.30 with an off site worker;

Local shops and transport mentioned in the reports ad further than stated which will not support requirements of allocation;

No public services to support new residents (local doctors, dentists and schools are at capacity);

Misleading and false information submitted;

Consultation responses and confusing and misrepresented. The exec summary gives a misrepresentation of the feedback;

No electrical supply report for the development. Any transformers/pylons sited near to our home is a health risk;

The pedestrian areas between residential dwellings will act as informal play and meeting areas to reinforce a sense of place and community. The plans appear like a separate community to the one known in Woodlands Road, no mention of existing residents. Section 106 money could be offered to help the existing residents.

One additional comment received in support: Disused Poultry Farm, previously developed land. 45% Affordable housing. Much needed homes in a sustainable location

5 Reason for Delay

- 5.1 To address consultee comments.

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 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 6.1.3 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.
- 6.1.4 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 development plan reflect the generality of 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 PSP3 (only with regard to dwelling and curtilage of no.30 Woodlands Road), CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 and CP12.
- 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, DM2, DM3, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5.
- 6.2.4 The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1 and site H(31) are relevant.

6.3 Other 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 NPPF⁴⁷, 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...” (NPPF Annex 1: 219).

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

6.3.2 Affordable Housing Supplementary Planning Document (adopted June 2011).

6.3.3 Housing Delivery Test Action Plan (June 2022).

6.3.4 Housing Land Supply Update (December 2022).

7 Planning Analysis

7.1 Principle of Development

7.1.1 The proposed development would result in a net gain of 37 dwellings; it is noted that no.30 Woodlands Road is also located within the red line of the application site and would be retained as part of the development and thus there would be a total of 38 dwellings located within the red line of the site. The application site is not identified as an allocated housing site in the Site Allocations Document. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it would be tested in accordance with the relevant national and local policies.

7.1.2 Policy CP2 of the Core Strategy advises that in assessing applications for development not identified as part of the District’s housing land supply including windfall sites, applications will be considered on a case by case basis having regard to:

4. The location of the proposed development, taking into account the Spatial Strategy;
5. The sustainability of the development and its contribution to meeting local housing needs;
6. Infrastructure requirements and the impact on the delivery of allocated housing sites
7. Monitoring information relating to housing supply and the Three Rivers housing targets.

7.1.3 Policy PSP3 of the Core Strategy relates to development in Secondary Centres and advises that development ‘will focus future development on sites within the urban area and previously developed land’. In addition, development will ‘provide 24% of the District’s housing requirements over the plan period’. In this case, the existing residential dwellings fronting Woodlands Road, and their associated residential curtilages are located within the Secondary Centre, as is no.30 Woodlands Road and part of the existing access track to the site. However, the Poultry Farm is not located within the defined settlement boundary.

7.1.4 It is noted that the site is currently occupied by a number of existing, disused buildings, in addition to hardstanding. As noted, the existing built form is associated with the former use of the site as a Poultry Farm. The NPPF defines previously developed land as the following:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

7.1.5 Given the historical use of the site as a Poultry Farm and therefore in former agricultural use, it is not considered that the site can be considered previously developed land.

7.1.6 The principle of the acceptability of the development is therefore subject to assessment against all material planning considerations as set out below.

7.2 Green Belt

7.2.1 The National Planning Policy Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The National Planning Policy Framework sets out that Green Belt serves five purposes:

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

7.2.2 Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.2.3 The construction of new buildings in the Green Belt is considered inappropriate however Paragraph 149 sets out six exceptions to inappropriate development which include:

- 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.

- 7.2.4 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.
- 7.2.5 The proposed development would result in the provision of 37 new residential dwellings and associated access, car parking and amenity space. As previously acknowledged, the site was formally in agricultural use, and therefore although there is built form present, the site would not fall into the definition of previously developed land as defined by the NPPF. In light of the above, the proposed development would fail to fall within any of the above identified exceptions within Paragraph 149, or as set out in Development Plan policies, and therefore would constitute an inappropriate form of development in the Green Belt which is, by definition, harmful. In accordance with paragraph 148 of the NPPF, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 7.2.6 Actual Harm
- 7.2.7 In addition to harm by virtue of inappropriateness it is necessary to consider whether there would be actual harm to the openness of the Green Belt. When a development is identified as inappropriate, the PPG on Green Belts requires the impact of the proposal on openness to be assessed, and that ‘this requires a judgement based on the circumstances of the case’. The PPG sets out that a number of matters which the Courts have held to be relevant including having regard to the spatial and visual impacts of the development and the degree of activity which is likely to be generated.
- 7.2.8 The site was historically used as Poultry Farm, until this business ceased in the 1970s. It is understood from the Planning History that the site was then used as part of a larger farming enterprise and run as a cattle and sheep farm, with the site being more specifically used for lambing. It is unclear when this use ceased, however, the built form remains in situ, consisting of a range of buildings of varied footprint and height, but generally ranging from low key single storey structures to larger elements, with a taller agricultural element being located at the centre of the site. To the west of the site, is an existing linear block running in a north west to south east direction, with a number of additional and separate structures located on other parts of the site. Generally, the existing buildings are in a very poor state of repair and appear derelict in appearance. In addition, to the existing built form, a large proportion of the site is covered by hardstanding. The extent of hardstanding is not clearly illustrated in the image below due to the site becoming overgrown as a result of its disuse. However, it is considered that the 3D aerial image below illustrates the extent of built form on the site and indicates an existing spread of urbanising development which already results in actual, visual harm to the openness of the Metropolitan Green Belt.



- 7.2.9 Officers consider that the proposed development would result in actual harm to the openness of the Green Belt. The proposed built form would be two storey with pitched roof forms and therefore the height and associated bulk of the dwellings would have a visual impact on the openness of the Green Belt. This would particularly be the case when comparing the proposed scheme with some of the lower key single storey agricultural buildings that have a lesser impact when viewed in isolation. It is noted that the proposed built form would generally be of an increased height when considered against the existing built form.
- 7.2.10 In order to accommodate the proposed residential use of the site, the access track from Woodlands Road into the site would become more formalised, and internally, a new road would be created to serve the development with areas around the site to provide provision for off street car parking. The access arrangements would therefore create a more formalised setting which would have some impact on the openness and rural character of the Metropolitan Green Belt.
- 7.2.11 Likewise, the proposed use of the site for residential development would result in an intensification of use of the site. The development would result in the creation of individual residential curtilages, which in turn would create the requirement for domestic paraphernalia around the dwellings such as ancillary outbuildings, boundary treatments and other household items which would not necessarily require planning permission in their own right. All of the above would have some visual impact on the openness and rural character of the Green Belt.
- 7.2.12 In terms of layout, the proposed development would be arranged in a courtyard arrangement, with a central, communal green area. It is noted that the flatted element of the development would be located to the west of the site where the largest continuous element of built form currently exists, thus helping to minimise the visual impact of this element when compared to the existing situation. Furthermore, the topography of the site, results in the land levels sloping down to the west of the site towards the railway (although it is noted that the actual railway line is on an embankment raised above the level of the site), and therefore the flatted element would be located on the lower portion of the site, further minimising its visual impact. The courtyard style arrangement also allows an increase in openness centrally through the site due to the provision of a central green area. Likewise, it enables gaps to be created between areas of proposed built form which is supported. The increase in openness would be evident from the existing access road from Woodlands Road, and from the open fields located to the south of the site.

- 7.2.13 In addition, and as emphasised previously, the existing built form on site, already results in a spread of urbanising built form which is visually harmful to its rural setting. The provision of a comprehensive residential development would remove the existing harmful built form; and the new form of development would arguably improve the appearance of the site. The residential development would create a more attractive form of development which would improve the visual amenities of this area of Green Belt. It is considered that the provision of residential development would secure an appropriate future use of the site and would enable increased control over its visual appearance.
- 7.2.14 Furthermore, in terms of its location, the site is located immediately adjacent to Woodlands Road, which is wholly located within the Secondary Centre of Kings Langley. It is also noted that the existing access to the site is also located within the settlement boundary. As such, the site is considered to occupy an edge of settlement location. The Spatial Strategy for Three Rivers as set out in the Core Strategy emphasises that the 'main emphasis for future development is to continue to focus development within the existing urban area through development of previously developed land and appropriate infilling, recognising potential for mixed use development to contribute to the development of sustainable communities. This will be followed by development at the most sustainable locations on the edge of existing settlements. This is further expanded on in the pre-text to Policy PSP2 which states that whilst the scope for development on the edge of the Key Centres is constrained by Green Belt and other environmental designations, there are opportunities to promote sustainable development through limited development within the Green Belt, including on previously developed land, and consequently to also improve services and facilities within the Key Centres. It is acknowledged that the site is not classed as PDL, however, the existing site circumstances must be taken into consideration.
- 7.2.15 In summary, and as set out above, the proposal would result in inappropriate development in the Green Belt as it would not fall within any of the exceptions defined in the NPPF. It is considered that the proposed development would be an inappropriate form of development that would result in some actual harm to the Green Belt due to an intensification of use of the site by reason of the proposed residential use and the associated increase in bulk and height of the built form, as well as the provision of domestic paraphernalia and associated hardstanding. It is not considered that the development would conflict with the purposes of the Green Belt as set out in paragraph 7.4.1 above. The development would result in both definitional and actual harm to the Green Belt and the proposed development is therefore contrary to Policy CP11 of the Core Strategy, Policy DM2 of the Development Management Policies LDD and the NPPF.
- 7.2.16 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 very special circumstances exist clearly outweighing harm to Green Belt 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.

7.3 Affordable Housing

- 7.3.1 Policy CP4 of the Core Strategy states that all new development resulting in the net gain of one or more dwellings will be expected to contribute to the provision of affordable housing. Around 45% of all new housing needs to be affordable, unless it can be clearly demonstrated that this is not viable. Policy CP4 (3) states that the Council will '*in most cases require affordable housing provision to be made on site, but in relation to small sites.....consider the use of commuted payments towards provision of site. Small sites would generally be considered as those with fewer than ten units.* The Affordable Housing SPD clearly sets out that the 'for proposals with a net gain of 10 or more dwellings, on site provision will be required '. On this basis and given the need for affordable housing in the

District, the LPA's approach in line with TRDC's Development Plan is for affordable units to be provided on site for major developments such as this.

- 7.3.2 As a guide the tenure split set out in Policy CP4 is 70% social rented and 30% intermediate. It is noted that on 24th May 2021, the Government published a written ministerial statement to set out the Government's plans for the delivery of First Homes defining the production and changes to planning policy. Following publication of the WMS, Planning Practice Guidance has been updated to reflect the WMS and will form a material consideration in decision making. Three Rivers District Council has also published a position statement in respect of First Homes. As a result of the introduction First Homes, the tenure mix for affordable housing under Policy CP4 of the Core Strategy (2011) will be:

25% First Homes
70% social rented, and
5% intermediate.

- 7.3.3 In this case, the application is proposing the provision of 17 affordable units which would be in accordance with the requirements of Policy CP4 to provide 45% affordable housing. The applicant has also confirmed in their Planning Statement that they will be providing the tenure mix in accordance with the WSM and Planning Practice Guidance. Consequently, the proposed development would provide policy compliant affordable housing and is thus acceptable in this regard.
- 7.3.4 The provision of affordable housing would be secured via a S106 agreement, which would be completed prior to the issue of any planning permission for the site.

7.4 Housing Mix

Policy CP3 sets out that the Council will require housing proposals to take into account the range of housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:

	1-bed	2-bed	3-bed	4+ bed
Market Housing	5%	23%	43%	30%
Affordable Home Ownership	21%	41%	28%	9%
Social/Affordable Rented Housing	40%	27%	31%	2%

- 7.4.1 The current application proposes the following mix (which includes the retention of the existing bungalow fronting Woodlands Road).

	1 bed	2 bed	3 Bed	Total
Private housing	2 (10%)	1 (5%)	18 (85%)	21
Affordable housing	10 (59%)	7 (41%)	-	17

- 7.4.2 In this case, the proposed housing mix with regard to both market and affordable housing would not correspond with the recommended mix set out in the LNHA. With regard to affordable housing, the Housing Officer has noted, that the identified need based on the

current housing register and composition of customers in temporary accommodation suggests a preferred mix of 25% 1 bed, 40% 2 bed, 30% 3 bed units.

7.4.3 In response, Policy CP3 of the Core Strategy does recognise that the proposed housing mix may need to be adjusted for specific schemes to take into account market information and specific site factors. The applicant has advised that whilst they have taken the comments from the Housing Officer into consideration, the scheme would not be able to deliver the preferred mix. The applicant has noted that the mix would likely result in the delivery of a mixed tenure apartment block which would likely be unacceptable to potential housing associations. Furthermore, the delivery of larger units within the affordable tenure would likely impact on the overall quantum of affordable housing that the scheme would be able to deliver. Taking these comments into consideration, it is officers view that given that the scheme would be providing policy compliant affordable housing and the appropriate mix of Intermediate, First Homes and Social Housing as set out below, that it would not be reasonable to justify refusal on these grounds.

7.4.4 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.

7.4.5 With regard to market housing, given the scale of the development proposed, it is not considered that failure to comply with the preferred tenure mix would impact adversely on the delivery of housing across the district such to justify refusal of the application.

7.5 Impact on Character and Street Scene

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

7.5.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will be only be supported where it can be demonstrated that the proposal will not result in:

8. Tandem development;

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

7.5.3 *Layout:* It is acknowledged that the proposed development would constitute a backland form of development in that the proposed dwellings would be located to the rear of the existing residential dwellings fronting Woodland Road.

- 7.5.4 The proposed development would be sited in a courtyard style arrangement around a central amenity area which would act as a setting for the proposed development. Furthermore, the provision of this central green area allows for a sense of openness to be retained through the site. An internal access road would provide vehicular access to the residential units and associated parking areas with private amenity spaces and other green spaces located to the rear. The retained greenery to the edges of the site is considered to further enhance the setting of the development. With regard to spacing, it is considered that there would be appropriate spacing between individual units. Consequently, it is therefore considered that the proposed layout would be acceptable and would not result in adverse harm to the character and appearance of the locality.
- 7.5.5 *Design and Appearance:* The proposed development would consist of a mix of dwellings, as well as flats. Concerns have been raised by neighbours with regard to the provision of flats as they do not consider that flatted development is part of the character of the locality. In response, it is acknowledged that flats are not part of the immediate character of this area. However, the flats would be located on the lowest part of the site and would still be a maximum of two storey in height, thus limiting their visual impact. It is not considered that the provision of flats as part of the overall housing mix would result in significant harm to constitute a reason for refusal.
- 7.5.6 The dwellings and flats would be provided as a mix of single and two storey development, which responds to development within the wider locality. The built form would generally have pitched roof forms with gables and no objection is raised in this regard to the design principles proposed.
- 7.5.7 It is noted that some concerns have been raised by neighbours with regard to the material palette sought which would include timber and corrugated iron, as it is not considered that this would be sympathetic to the locality. The Planning Statement indicates that the material palette of the dwellings and flats 'is inspired by the existing buildings and agricultural history of the site'. In response, it is acknowledged that the development would not match the surrounding residential dwellings which are arguably more traditional in terms of their use of materials. However, it is considered that the proposed external finishes would reflect the former use of the site and given that it would be read separately from Woodlands Road, it is not considered that the proposed appearance of the development would adversely affect the visual amenities of the wider locality. A condition shall be attached to the consent requiring full details of the external materials to be submitted and agreed by the Local LPA.
- 7.5.8 In summary, for the reasons outlined above, it is considered that subject to conditions, the proposed development would not result in harm to the character and appearance of the locality. The development is therefore considered to be acceptable and in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
- 7.6 Impact on amenity of neighbours
- 7.6.1 Policy CP12 of the Core Strategy advises that development proposals should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Appendix 2 of the Development Management Policies LDD states that 'oversized, unattractive, and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the streetscene'.
- 7.6.2 The proposed residential development would be located to the rear of the existing dwellings fronting Woodland Road. Appendix 2 of the Development Management Policies LDD states the following with regard to residential development:

Distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing onto each other

7.6.3 It is noted that residents have raised concern with regard to overlooking and that the development would be overbearing. The residential units to the north of the site would have elevations facing towards the rear elevations of the dwellings fronting Woodlands Road. The plans indicate that distances ranging from approximately 44m- 60m would be achieved which would be well in excess of the 28m figure cited within Appendix 2. It is considered that these distances would be ample to prevent impact in terms of overlooking. It is noted that development would be predominantly two storey in terms of height, however, the application site does sit at a lower land level relative to Woodlands Road, and thus whilst the development would be visible and would alter the outlook from these dwellings, it is not considered that the development would appear unduly overbearing or visually obtrusive to those neighbouring dwellings. Full details of existing and proposed site levels including sections would be required as a pre-commencement condition.

7.6.4 The proposed development would be accessed via the existing access track from Woodlands Road. There would therefore be an intensification of the use of the access due to the proposed residential use of the site. However, it is not considered that this would result in significant harm to justify refusal. The levels slope down into the site which would minimise harm to the immediately adjacent dwellings. Full details of any lighting of the access and of the development, should be provided as a condition of any permission to ensure that there would be no adverse impact in terms of light pollution to nearby residents.

7.6.5 In summary, it is considered for the reasons outlined above and subject to conditions, the proposed development would not have an adverse impact on the residential amenities of neighbouring dwellings to justify refusal. The development is therefore considered to be in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.7 Quality of accommodation for future occupants

7.7.1 The application site is located adjacent to an existing railway line. Neighbours have raised concern that new residents would be subject to unacceptable noise levels. Policy DM9 of the Development Management Policies LDD advises that planning permission will not be granted for development which:

9. Has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development

ii) Has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation; or

10. Would be subject to unacceptable noise levels or disturbance from existing noise sources whether irregular or not.

7.7.2 The Environmental Health Officer (residential) has reviewed the Noise and Vibration Assessment (Mayer Brown Limited, Report No. DLW/7439), and notes that the site has been considered a medium/high risk location where it would be considered that noise would have an adverse impact on the quality of life of future occupiers. However, to address this impact, the Environmental Health Officer notes that the report provides appropriate methods of noise mitigation and thus no objection is raised. A condition shall be attached requiring the development to be undertaken in accordance with the noise mitigation measures outlined in the Noise Assessment.

7.7.3 In summary, it is therefore considered that subject to a condition requiring the development to be undertaken in accordance with the submitted Noise Assessment, that the development would not have an unacceptable impact on the living conditions of future

occupiers. The development is viewed therefore to be in accordance with Policy DM9 of the Development Management Policies LDD.

7.8 Amenity Space Provision for future occupants

7.8.1 Appendix 2 of the Development Management Policies LDD sets out the amenity space requirements for residential dwellings as follows:

1 bedroom: 42 square metres
2 bedroom: 63 square metres
3 bedroom: 84 square metres
4 bedroom: 105 square metres

(12 x 21) 252 (7 x 31) 217 (2 x 41) 82

Flats: 1 bedroom- 21 square metres.

Additional bedrooms: 10 square metres each and space can be allocated specifically to each flat or communally.

The amenity standards for the proposed scheme is therefore as follows:

12 x 1 bedroom flats= 12 x 21 = 252square metres

11. x 2 bedroom flats = 7 x 31= 217 square metres

2 x 3 bedroom flats= 2 x 41 square metres

Total requirement for communal amenity space: 551 square metres.

7.8.2 All of the dwellings would benefit from a private amenity space. These would range in size from a minimum garden size of approximately 84 square metres to a maximum of 339 square metres which would comply the adopted standards set out above. Full details in relation to boundary treatments would be reserved via a condition. It is also noted that some of the proposed dwellings also include balconies at first floor level. At present, details of screening to these elements remain unclear and thus it would be necessary to add a condition requiring details of this to be provided prior to occupation.

7.8.3 The majority of the proposed flats would benefit from a private balcony/terrace area, with only two flats which would not have private amenity spaces in the form of a balcony/terrace. As above, it is considered necessary to add a condition requiring details of balcony screens to be submitted and approved in writing prior to occupation. In addition to individual balconies/terraces, there would be access to a communal amenity green with an area of approximately 1550m located centrally within the development. The proposed apartments would require a total amenity provision of 551 square metres, and consequently the central amenity green is considered ample to serve the proposed development. It is considered necessary to require a landscaping scheme to be submitted to ensure that this area is suitably landscaped for use by future residents.

7.9 Wildlife and Biodiversity

7.9.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.9.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

- 7.9.3 It is noted that the application site is located within the Zone of Influence (ZOI) for the Chilterns Beechwoods Special Area of Conservation (SAC). The location of the site within the ZOI is a material consideration, however it is acknowledged that the site, and Three Rivers District is at the outer edge of the ZOI, and the District has been identified as generating less than 2% of the visits to the SAC. Taking this into account, it is considered that material harm would be unlikely to be caused to the SAC as a result of this development, and no compensatory measures are required in respect of this matter.
- 7.9.4 The site is located within a rural/semi-rural location which is dominated by buildings, hardstanding and areas of grassland assessed to be semi-improved grassland (species poor) and a number of trees. Herts Ecology consider that the report provides an adequate assessment of the impact of the proposals and is based upon appropriate survey methods and efforts.
- 7.9.5 With regard to bats, further surveys of the buildings were recommended and have been completed. Herts Ecology note that the additional surveys revealed no further evidence of roosts and that they have no reason to dispute the conclusion that the bat use of the site is restricted as an occasional feeding roost by brown long eared bats and as a foraging resource by pipistrelles. In addition, Herts Ecology note that they are not aware of any reason as to why if National England deem a licence is required, that one would not be issued. As such, it is not considered that significant harm would occur to this protected species to justify the refusal of planning permission. In addition, with regard to other protected species, it is considered that suitable mitigation measures have been recommended to safeguard nesting birds and to prevent injury to roaming mammals that may use the site and benefit from legal protection. Were the development to be considered acceptable, then a condition should be added requiring that these measures are followed in full.
- 7.9.6 The Planning Statement includes a commitment to utilise integrated bat boxes and that these should be secured via a condition; the Ecology Officer has advised that a suitable ratio for bat and bird boxes would be 3 per 10 dwellings. In addition, Herts Ecology have advised that a Landscape and Ecological Management Plan should be secured via a condition.
- 7.9.7 The Environment Act proposes to mandate the requirement for Biodiversity Net Gain in legislation, through changes made to the Town and Country Planning Act 1990. However, the legislation required to mandate this is not yet in place. The requirement for 10% BNG is, therefore, not yet enshrined in planning law. However, based on the original information submitted, the Ecology Officer advised that the submitted metric shows headline results of a biodiversity net gain for area-based habitats and that this has been achieved within the trading rules. The Ecology Officer noted that whilst the sowing of biodiversity rich grasslands was supported, the location of which areas are other neutral grassland, and which are lowland meadow is not marked on the landscaping plan included within the Biodiversity Net Gain Technical Note. This is necessary so that the LPA can ensure that the measures that result in the biodiversity net gain claimed are present within the proposals. In addition, the location and seed mixes proposed for these habitats need to be provided.
- 7.9.8 In response to these comments, the applicant provided a revised metric and supporting technical note (Revision A); the details of which have been found by the Ecology Officer to be acceptable. The Ecology Officer notes that, the headline results give a biodiversity net gain of 15.05% for the area-based habitats achieved within the trading rules. This is above the 10% set out in the Environment Act and thus is considered to be acceptable. As outlined above, a condition shall be added requiring the submission of a Landscape and Ecology Management Plan. The long-term management of any final biodiversity landscape measures should be incorporated within the LEMP and include how the relevant UK habitats types and their target conditions listed in the completed metric will be achieved, maintained and monitored.

7.9.9 In summary, the Ecology Officer has confirmed that the proposed development would have not have an adverse impact on any protected species or biodiversity interests. Subject to conditions, the development is therefore viewed to be acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.10 Trees and Landscaping

7.10.1 Policy DM6 of the Development Management Policies relates to Trees, Woodlands and Landscaping. This advises the following:

- i) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
- ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the criteria of the Hedgerow Regulations 1997.
- iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.10.2 The Landscape Officer has noted that some trees are proposed to be removed as part of the development. These are classified as Category C and U and therefore the Landscape Officer raises no objection to their removal. However, in order to compensate for their removal, the Landscape Officer has recommended the provision of five replacement trees and a condition shall be added requiring this to be the case.

7.10.3 The details provided in the submitted arboricultural method statement and tree protection plan are considered to be acceptable and conditions shall be added requiring the development is undertaken in accordance with the approved details. Given the scale of the development, it is also considered that full details of landscaping should be provided in the form of a comprehensive landscaping scheme and this shall be added as a condition of any approval.

7.10.4 It is noted that concerns have been raised by residents that the provision of a new footpath on Hyde Lane will have an impact on existing trees fronting Hyde Lane. These concerns are acknowledged, however, the trees are located on existing highway land and are therefore within the ownership of the County Council. The impact on these trees in relation to the new footpath would be a matter for the County Council to resolve at the time of a S278 agreement.

7.10.5 In summary, the Landscape Officer has raised no objection to the proposed development, considering that there would be no harm to any trees or landscaping to justify refusal. The development is therefore considered to be acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.11 Highways, Access and Parking

7.11.1 Paragraph 110 of the NPPF advises that:

In assessing sites that may be allocated for development in plans, or 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; 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.*

7.11.2 Paragraph 111 of the NPPF states that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.

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

7.11.4 Policy CP10 of the Core Strategy relates to highways and sets out that 'Development will need to demonstrate the following:

- i) It provides a safe and adequate means of access*
- j) It is appropriate in scale to the existing transport infrastructure, including public transport and, where necessary, infrastructure can be improved*
- k) It is integrated with the wider network of transport routes, including public rights of way and cycle paths where appropriate*
- l) It makes adequate provision for all users, including car and other vehicle parking, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians*
- 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; for major development this should be done through a comprehensive Transport Assessment detailing the measures that will be used to reduce impacts*
- o) The proposal is accompanied by a draft Green Travel Plan for prospective users and employees of the development for all major development.*

7.11.5 The plans indicate that the site would continue to be accessed via an existing access via Woodlands Road which is a private road. Woodlands Road has no designated footways with the Highways Officer noting that it essentially functions as a shared use road. Woodlands Road meets the nearest highway on Hyde Lane (an unclassified local access road) via a simple priority junction which is located approximately 140m from the site access. Hyde Lane is subject to a speed limit of 30mph; and is a rural road with no pedestrian footways; the nearest pedestrian footways are located approximately 220m from the site on Lower Road.

7.11.6 Local residents have raised significant concern in relation to the development and its impact on the surrounding highway network stating that the area is already heavily congested, with access to Railway Terrace from Hyde Lane already being difficult. Furthermore, residents have expressed concern that Woodlands Road by reason of its width, surfacing and congestion is unsuitable to facilitate access to a new residential development. The objections received consider that the development would result in danger to the users of the highway network, including motorists, cyclists and pedestrians. There is concern that there is a lack of pedestrian footways within the locality and thus the site is not in a sustainable location.

7.11.7 Herts Highways were consulted with regard to the development and originally requested further information in order to assess the acceptability of the scheme; particularly in relation to the provision of a proposed pedestrian footway on Hyde Lane. The details requested included a Stage One Road Safety Audit and Designers Response in relation to the proposed highway works on Hyde Lane. This was considered necessary in order to make

a full assessment of the acceptability of the proposed highway works from a safety and accessibility perspective; particularly as this would be necessary to ensure an acceptable level of pedestrian access to and from Woodlands Road and onto the wider footway network. This is discussed in more detail below.

- 7.11.8 Information was also requested with regard to access for service vehicles (including emergency and delivery vehicles) as well as an extension of the swept path analysis for refuse vehicles and fire tender to illustrate that such vehicles would be able to safely use the proposed access and entrance road to the site. The Highways Officer also requested further details as to what has been considered in relation to improving the environment and accessibility for pedestrians on Woodland Road. In response, the applicant has provided further information which has been subject to assessment by the Highways Authority. The Highways Officer considers that their original concerns have been overcome and this is set out in detail below:
- 7.11.9 Site Access: As noted, the site would continue to be accessed via Woodlands Road which is directly accessible from Hyde Lane. As previously noted, the proposals do not include any altered vehicle access arrangements from the public highway with the application site continuing to be accessed via Woodlands Road from the existing simple priority junction with Hyde Lane. The Highways Officer has raised no objection in this regard.
- 7.11.10 The plans within both the Transport Assessment and the updated Highways information propose a 2m wide pedestrian footway on the southern side of Hyde Lane within existing highway land in order to provide a safe pedestrian link from Woodlands Road and the existing highway footway network on Lower Road (adjacent to Railway bridge with Railway Terrace). The Highways Officer considers that the footway link and associated works would be necessary to make the proposals acceptable from a highways perspective and would assist in improving pedestrian accessibility from the site (as much as is achievable when taking into account the nature of the site and the existing private access road). The applicant would be required to enter into a S278 agreement with the Highways Authority in relation to the technical approval of the design and implementation of the works that would be needed on highway land as detailed above. The Highways Officer has raised no objection in relation to vehicular or pedestrian access to the site, stating that there would be no significant impact to the highway network. Officers note that some of the land which would be utilised for the footway form part of the existing driveways of properties fronting Hyde Lane and this appears to be an historic situation. Residents have raised the provision of a new footpath in this location as a concern, particularly where their existing driveways would be impacted. Consequently, further advice has been sought from the Highways Officer with regard to the deliverability of this aspect of the development. The Highways Officer has advised that the land to be incorporated into the new footway is highway land, and driveways have historically encroached into this area. This land is therefore not lawfully within the ownership of properties fronting Hyde Lane. The Highways Officer consider that this land can be developed as it is land owned by the County Council, regardless of its current use. The Highways Officer considers that the works can be secured via a S278 Agreement.
- 7.11.11 The Highways Officer also notes that a vehicle trip generation assessment for the proposed use has been included as part of the Transport Assessment. The Highways Officer has raised no objection to the methodology used to determine the existing trip generation for the residential road, trip generation for the currently approved use of the site (poultry farm) and the anticipated trip generation for the proposed housing. The number of vehicular trips associated with the proposed use are estimated to be 16 two-way vehicle movements in the AM peak and 29 two-way vehicle movements in the PM peak. The Highways Officer does not deem either to be significant or severe to justify refusal on highways grounds.
- 7.11.12 Internal Site Layout: The site would continue to be accessed via the existing access road which would be amended to facilitate the new development. Residents have expressed concern that the access track would not provide a suitable access. The updated plan received following the initial comments from the Highways Officer includes additional

overrun grasscrete areas to facilitate movement for larger vehicles including refuse collection vehicles. The Highways Officer considers the general size and layout of the internal access arrangements are considered to be acceptable. The Swept Path Analysis in both the original Transport Statement and updated Highways Information are also deemed acceptable by the Highways Officer. However, it is advised that any access and turning area would need to be kept free of obstruction to ensure permanent availability of access, particularly in respect of refuse and emergency vehicles. The Highways Officer has raised no objection in this regard, however, has advised that this matter would need to be considered by any subsequent private management company responsible for the site, and additional 'no parking' signage may be necessary.

7.11.13 In addition, the plans also demonstrate that a fire tender would be able to get to within 45m of all parts of the footprint of any dwellings and be able to turn around and egress the site in forward gear, whilst also not having to reverse more than 20m. This is to ensure that the proposals are in accordance with MfS, RfH and Building Regulations 2010: Fire Safety Approved Document Bvol 1 – Dwellinghouses (and subsequent updates). The Highways Officer has again advised that the acceptability of this would be subject to the access road being kept free of any potential obstruction including parked cars.

7.11.14 In summary, the Highways Officer has confirmed that subject to the conditions and the completion of a S278 agreement to secure the deliverability of the footpath on Hyde Lane, that there would be no significant impact to the safety of users of the highway. The development is therefore considered to be acceptable and in accordance with Policy CP10 of the Core Strategy.

7.11.15 Car Parking: Appendix 5 of the Development Management Policies LDD sets out the parking requirements for development within the District as follows:

- 1 bedroom dwelling: 1.75 spaces (1 assigned space)
- 2 bedroom dwelling: 2 spaces (1 assigned space)
- 3 bedroom dwelling: 2.25 spaces (2 assigned spaces)
- 4 bedroom dwelling: 3 spaces (3 assigned spaces within curtilage).

7.11.16 The table below sets out the number of proposed dwellings, and the requirements for off street parking provision with regard to the maximum policy requirement and total number of assigned spaces.

<u>Dwelling type</u>	<u>Proposed number of dwellings</u>	<u>Maximum Policy requirement</u>	<u>Total assigned spaces required</u>
1 bedroom	12	21	2
2 bedroom	8	16	8
3 bedroom	18	41	36
Total	38	78	56

7.11.17 In total, the development proposes a total of 78 off street car parking spaces, and thus the scheme would be proposing policy compliant off street car parking provision. It is unclear as to the allocation of off street car parking spaces based on the information submitted. However, given that the applicant is proposing policy compliant car parking provision, it is considered that a car parking management plan including the allocation per dwelling could be provided via a condition were the development to be considered acceptable. This would also include a requirement for details of the allocation and management of accessible spaces for the flats.

7.11.18 It is acknowledged that residents within Woodland Road have expressed concern that the car parking provision would not be acceptable and would result in overspill on to the cul de

sac which is already congested. Whilst these concerns are acknowledged, the development is providing policy compliant off street car parking provision and therefore it is not considered reasonable to object on the grounds of insufficient parking.

7.11.19 With regard to Electric Vehicle Charging Points (EVC), it is acknowledged that the current Local Plan does not make reference to their provision. However, paragraph 3.37 of the submitted Planning Statement does include a commitment to provide EVCs in accordance with current Building Regulations. Consequently, it is considered appropriate for a condition to be added requiring details of the proposed EVC to be submitted to the LPA prior to occupation of the units.

7.12 With regard to cycle storage, Appendix 5 of the Development Management Policies LDD advises that that there should be 1 long term space per unit provided (if no garage/shed). The planning statement specifies that cycle storage is also provided for all dwellings at a ratio of one space per dwelling. The plans indicate a cycle store for each of the residential dwellings and no objection is raised in this regard. For flats, there should be 1 space per two unit. The submitted schedule indicates the provision of 21 flats, for which there would be a requirement for 11.5 spaces. The plans indicate an internal cycle store with the submitted schedule indicating policy compliant cycle parking.

7.13 Heritage Assets

7.13.1 Policy CP12 of the Core Strategy states that development should 'conserve and enhance natural and heritage assets'. Policy DM3 of the Development Management Policies LDD relates to Heritage Assets and sets out that '*where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, it must be accompanied by an appropriate desk-based assessment and, where desk-based research is insufficient to properly assess the interest, a field evaluation*'

7.13.2 The Archaeology Officer notes that the Gade Valley is known to have been the site of human occupation for millennia, with the sloping riverbanks particularly favourable to prehistoric settlement. The proposed development site is in an area of comparable topography to the site on the opposite side of the valley where the cropmarks of three likely prehistoric circular enclosures are located. Previous archaeological investigation nearby have found deposits dating to the Neolithic/Bronze Age. Therefore, whilst historic mapping suggests the buildings on the site are modern in date there is the potential for earlier archaeological material to survive in some form below the ground. As such, Herts Archaeology have suggested conditions to ensure appropriate archaeological investigations occur prior to the commencement of development.

7.14 Contamination

7.14.1 With regard to contamination, Policy DM9 of the Development Management Policies LDD advises the following:

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:

12. There will be no threat to the health of future users or occupiers of the site or neighbouring land and
- ii) There will be no adverse impact on the quality of local ground water or surface water quality.

7.14.2 The Environmental Health Officer notes that the submitted Preliminary Risk Assessment has identified a number of plausible contaminant linkages that required further investigation. Consequently, pre-commencement conditions related to contaminated land are considered necessary and will include the requirements for a site investigation and verification plan to be submitted.

7.14.3 With regard to Air Quality, the Environmental Health Officer considers that the development would meet the stage 1 criteria given in the EPUK/IAQM guidance document entitled Land-Use Planning & Development Control: Planning For Air Quality. However, it was advised that the proposed development may meet stage 2 criteria and therefore an air quality assessment may be required. The Environmental Health Officer has advised that the suitability of the site needs to be assessed and that would it be preferable for the impacts to be considered at this stage, rather than at a later date to satisfy the requirements of a condition. This would an assessment of the potential impacts of the development and to evaluate any proposed mitigation measures.

7.14.4 In response, an Air Quality Assessment was submitted and has been reviewed. The potential construction phase impacts have been assessed, with proposed mitigation in place, it is considered that the residual effect will be not significant. It is also considered that the effect of emissions from construction traffic is likely to be not significant.

7.14.5 The Environmental Health Officer has therefore raised no objection, however, a condition should be added requiring the submission of a dust management plan. This should incorporate the recommended mitigation measures discussed in Section 6.0 of the Air Quality Assessment.

7.15 Sustainability

7.15.1 Paragraph 153 f the NPPF sets out that the planning system plays a key role in helping to 'shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure'.

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

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

7.15.4 The submitted Energy Statement demonstrates an overall 67% reduction in anticipated site wide CO2 emissions over the Part L 2013 baseline, therefore exceeding the requirements of Policy DM4 of the Development Management Policies LDD. The submitted Energy Statement details that this would be achieved through a range of energy efficiency measures including enhanced insulation in the buildings envelopes (walls, roofs, floors and glazing and low energy lighting. In addition, the Energy Statement proposes the use of air source heat pumps as a low carbon technology for provision of space heating and hot water.

7.16 Flood Risk and Drainage

7.16.1 Policy CP1 of the Core Strategy recognises that taking into account the need to avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example flood resistant design. Policy DM8 (Flood Risk and Water Resources)

of the Development Management Policies LDD advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs). In accordance with the Development Management Procedure Order the Lead Local Flood Authority were consulted in relation to the proposed development. At the time of the application, the LPA were aware that the LLFA were not providing responses and in light of this, the LPA instructed our own consultant to advise in respect of the appropriateness of the proposed drainage system.

7.16.2 A Sustainable Drainage Scheme was submitted with the original application which was not found to be acceptable. Following discussions with the applicant, the LPA's appointed Drainage Consultant has confirmed the Sustainable Drainage Scheme to be compliant with the County Council's guidance on drainage, and the scheme is therefore considered acceptable subject to a number of conditions.

7.16.3 Network Rail have provided comments on the application due to the close proximity of the adjacent railway line to the site. Whilst no objection is raised, they have also suggested a number of conditions, including relating to drainage to ensure that there would be no impact to the railway line. In addition, conditions have also been suggested including relating to working practices, again to ensure the protection of the railway in accordance with Policy DM8 of the Development Management Policies LDD.

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:

13. 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

14. There would be no obstruction of pedestrian, cyclists or driver site lines

7.17.2 Swept path analysis/tracking plans for an 11.2m long refuse vehicle has been provided in the original Transport Statement and updated Transport information. The Highways Officer has advised that this is acceptable and illustrates that a refuse vehicle would be able to access the site, turn around and egress to Woodlands Road and the subsequent highway network in forward gear. Environmental Protection has also confirmed that the development is acceptable in this regard. However, as already set out, access and turning areas would need to be kept free of obstruction to ensure permanent availability of access (particularly for refuse and emergency vehicles)

7.17.3 The submitted details indicate the provision of separate bin stores for the residential dwellings and flats and the siting of these is considered to be acceptable. Full details of their appearance can be reserved via a condition.

7.18 Other Harm

7.18.1 In summary it has been identified that there would be harm to the Green Belt by reason of inappropriateness, as well as some actual harm caused due to the intensification of use of the site, as well as the provision of increased built form and the formal layout of hardstanding on the site. However, the analysis (including responses from statutory consultees) has not identified any other harm which would result in refusal of the current application.

7.19 Planning Balance including 'Very Special Circumstances'

7.19.1 The NPPF sets out the following with regard to inappropriate development:

'Inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.'

'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.'

7.19.2 As set out above, the proposed development would fail to fall within any of the recognised exceptions to inappropriate development, and furthermore would result in actual harm to the openness of the Metropolitan Green Belt. The proposed development would result in some actual harm to the openness of the Green Belt by reason of the bulk and massing of the proposed two storey buildings, as well as the creation of separate residential curtilages and associated access road and internal access roads. In accordance with the NPPF substantial harm should be afforded to the development's inappropriateness and harm to openness.

7.19.3 Notwithstanding the above, there are a number of material considerations which would weigh in favour of the development and these are highlighted below:

7.19.4 Paragraph 74 of the NPPF states that 'Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old. At present Three Rivers District Council has a 1.9 year supply of deliverable housing and therefore cannot demonstrate a five year housing land supply. Consequently, there is a significant shortage of housing within the district. Consequently, a net gain of 37 residential dwellings, including a policy compliant affordable housing provision in a District where there is pressing need for affordable housing, would weigh significantly in favour of the proposed development.

7.19.5 The proposed development would also result in the delivery of a new pedestrian footpath located on Hyde Lane. Currently, there is no pedestrian footway in this location. Consequently, it is considered that this aspect would be a significant benefit of the development, not only for the site, but a public benefit for the locality. Again, this would weigh in favour of the proposed development.

7.19.6 In addition, it is noted that the proposed development would result in a Biodiversity Net Gain (BNG) and ecological enhancements on site. The proposal would also result in an overall 67% reduction in anticipated site wide CO2 emissions over the Part L 2013 Baseline, thus exceeding policy requirements.

7.19.7 It also recognised that the existing development on site already has an urbanising impact as well as appearing unsightly. The proposed development would result in a significant improvement to the appearance of the site through the removal of these unsightly and disused structures and hardstanding. The development would result in a comprehensive re-development of the site and an appropriate future use.

7.19.8 In view of the above, it is considered that there are no policies within the NPPF which provide a clear reason for refusing this application as there are very special circumstances which would outweigh the harm to the Green Belt.

7.19.9 In summary, it is acknowledged that the proposal results in inappropriate development which is by definition harmful to the Metropolitan Green Belt. In addition, it is acknowledged that there would be actual harm to the openness of the Metropolitan Green Belt. However, all of the above factors outlined above weigh in favour of the development such that it is

considered that these would cumulatively result in very special circumstances which would outweigh the harm to the Metropolitan Green Belt.

8 Recommendation

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions and subject to the completion of a Section 106 Agreement:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans:

0001-GA-P2, 0040-GA-P2, 0041-GA-P2, 0100-GA-P2, 0200-GA, 0201-GA-P2, 0202-GA-P2, 0300-GA, 0400-GA, 0401-GA-P1, 0402-GA-P1, 0403-GA-P1, 0404-GA-P1, 0405-GA-P1, 0600-GA-P1, 0601-GA-P1, 0602-GA-P1, 0603-GA-P1, 0604-GA-P1, 0605-GA-P1, 0606-GA-P1, 0607-GA-P1, 0608-GA-P1, 0609-GA-P1, 0402-GA-P2, 0403-GA-P2, 0404-GA-P2, 0405-GA-P2.

Reason: For the avoidance of doubt, in the proper interests of planning and to protect the visual amenities of the Green Belt and residential amenities of neighbouring dwellings; in accordance with Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM3, DM4, DM6, DM7, DM8, DM9, DM13 and Appendices 2, 4 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to and approved in writing by the Local Planning. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy CP1 of the Core Strategy (adopted October 2011).

C4 Highway Improvements – Offsite (Design Approval)

A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing number 06B have been submitted to and approved in writing by the Local Planning Authority.

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

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

C5 Prior to the first use of the development hereby permitted the proposed internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

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

- C6 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:
- a. Construction vehicle numbers, type, routing;
 - b. Any traffic management requirements
 - c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - d. Siting and details of wheel washing facilities;
 - e. Cleaning of site entrances, site tracks and the adjacent public highway;
 - f. Timing of construction activities to avoid school pick up/drop off times;
 - g. Provision of sufficient on-site parking prior to commencement of construction activities;
 - h. Where works cannot be contained wholly 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.

Reason: This is a pre-commencement condition to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

- C7 Prior to the commencement of development, a statement detailing the proposed drainage scheme (based on the details contained within [Flood Risk Assessment and Drainage Strategy, February 2023 (Mayer Brown)], to include details of the connecting pipework from buildings to the drainage network, and detailing how the design has taken into account the need to avoid disturbing any contaminated land, shall be submitted to and approved in writing by the Local Planning Authority. The scheme and connections shall thereafter be installed only in accordance with the approved details and maintained as such thereafter.

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

- C8 Within 2 months of completion of the drainage works for the site, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;
1. Provision of complete set of built drawings/network model for site drainage.
 2. Maintenance and operational activities.
 3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

The development shall thereafter be occupied and maintained in accordance with the management and maintenance plan as approved by this condition.

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

C9 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 site investigation, based on the Phase 1 Desk Study prepared by IDOM (Report ref. DS-22459-22-168) 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 and any implications for the site drainage scheme.
- 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 in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C10 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 8.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM9 of the Development Management Policies LDD.

- C12 Prior to commencement of the development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include a Dust Management Plan, whose purpose shall be to control fugitive dust emissions generated during the earthworks/demolition/construction phase and to minimise adverse impacts on nearby sensitive receptors.

The Dust Management Plan should include, but not necessarily be limited to, the measures described in Section 8.2 of the Institute Air Quality Management 'Guidance on the assessment of dust from demolition and construction' (mitigation for all sites). Where site specific mitigation is considered necessary, these measures should also be included.

The Construction Environmental Management Plan and Dust Management Plan shall be implemented in accordance with the approved details.

Reason: This is a pre-commencement condition to minimise adverse impacts on local air quality in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C13 No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

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

The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation

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

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

- C14 No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: This condition is a pre commencement condition in order to ensure a satisfactory form of development relative to surrounding buildings and landscape and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C15 Prior to the commencement of the development, a Landscape and Ecology Management Plan shall be prepared, detailing how biodiversity will be incorporated within the development scheme. The plan shall thereafter be submitted to the Local Planning Authority for written approval and the development shall be carried out only in accordance with the approved plan.

Reason: To demonstrate the expectations of NPPF in achieving overall net gain for biodiversity have been met in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013)

- C16 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development. The landscaping scheme shall include details of all proposed tree planting, including replacement planting, including planting species, size and siting.

The landscaping scheme shall include full details of trees to be planted adjacent to the Network Rail boundary.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

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

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

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. In addition, it is required to prevent impacts to the adjacent operational railway. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM6 of the Development Management Policies LDD (adopted July 2013).

- C17 Prior to the commencement of development hereby permitted, plans and details of the air source heat pumps shall be submitted to and approved in writing by the Local

Planning Authority. The approved details and energy saving measures detailed within the submitted Energy Statement shall be implemented prior to occupation of the development and permanently maintained thereafter.

Reason: This condition is a pre commencement condition to ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

- C18 No demolition works shall be undertaken until a demolition methodology statement (including mitigation measures) has been submitted and approved in writing by the Local Planning Authority.

The demolition methodology statement strategy shall be implemented in full throughout the demolition period.

Reason: This is a pre-commencement condition to safeguard the railway and its boundary from demolition machinery, dust and debris in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C19 Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to the Local Planning Authority.

Reason: This is a pre-commencement condition to protect the adjacent railway from the risk of flooding, soil slippage and pollution in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C20 Prior to the commencement of development, full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

Reason: This is a pre-commencement condition to protect the adjacent railway and its boundary in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C21 Prior to the commencement of development, a method statement and risk assessment must be submitted and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C22 Prior to the commencement of development, details of scaffolding works within 10m of the railway boundary shall be submitted and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C23 Prior to the commencement of any vibro-impact works on site, a risk assessment and method statement shall be submitted and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details. The works shall be undertaken in accordance with the approved details.

Reason: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C24 Prior to occupation of the site details of a trespass proof fence adjacent to the boundary with the railway shall be submitted and approved in writing by the Local Planning Authority. The fencing shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained thereafter.

Reason: To protect the adjacent railway from unauthorised access in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C25 Prior to the commencement of development, details of vehicle safety protection measures along the boundary with the railway shall be submitted to and approved in writing by the Local Planning Authority. . The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To protect the adjacent railway from unauthorised access in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C26 Prior to occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C27 Prior to occupation of the development hereby permitted, details of screening to a height of 1.8m as measured from the surface of all balconies/terraces be erected to shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be erected prior to occupation in accordance with the approved details, and maintained as such thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C28 Prior to the occupation of development, details of external lighting shall be submitted and approved in writing by the Local Planning Authority. Details shall include position, height, design and intensity of any proposed lighting and must demonstrate no overspill onto Network Rail land. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity, biodiversity and to protect the safety and integrity of the railway in accordance with Policies CP1, CP8, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C29 Prior to occupation of the development hereby permitted details of the noise attenuation measures to be installed in the dwellings and on site, as detailed in the submitted noise report, shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in its entirety prior to the first occupation of the dwellings hereby permitted. Such measures shall be retained thereafter at all times.

Reason: To ensure that the occupants do not suffer from unacceptable noise levels within the proposed dwellings and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C30 The parking and turning spaces shall be constructed in accordance with the approved plans prior to the first occupation of any part of the development hereby permitted other than in accordance with a phasing plan which shall previously have been agreed in writing with the Local Planning Authority. The parking and turning spaces shall thereafter be kept permanently available for the use of residents, employees and visitors to the site.

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

- C31 Prior to the first occupation of the development hereby permitted, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall include the allocation of car parking spaces per unit and details of accessible parking spaces for the proposed flats. The development shall be implemented in accordance with the approved details.

Reason: To minimise danger, obstruction and inconvenience to highway users in the interests of safety in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C32 Prior to the first occupation of the development, full details of Electrical Vehicle Charging points shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

- C33 The proposed development shall only be implemented in accordance with the approved arboricultural method statement.

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

Reason: To ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and

CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C34 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

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

- C35 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

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

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class D - erection of a porch

Class E - provision of any building or enclosure

Class F - any hard surface

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

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

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the Metropolitan Green Belt and the area in general, in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C36 Notwithstanding the provisions of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended by the Town and Country Planning (General Permitted Development) (or any other order revoking and re-enacting that order with or without modification) the garages serving the dwelling(s) hereby permitted shall be retained primarily for the garaging of private cars. No alterations shall be carried out to the garage such as to prevent its use for garaging private cars.

Reason: In the interests of the visual amenities of the area and to ensure that on-site car parking provision is maintained to avoid the standing of vehicles on the adjoining highway to the detriment of safety the free flow of traffic thereon and to meet the requirements of Policies CP1, CP10 and CP12 of the adopted Core Strategy (adopted October 2011) and Policies DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013)

8.2 **Informatives:**

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

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

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

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

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

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

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to

survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).

- 15 The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken. Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.
- 16 We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.

What you need to do: To prevent damage to our assets or interference with our rights, please add the following informative note in the decision notice:

:Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

- 17 Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
- 18 "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>

Water Comments: 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.

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.

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