**PLANNING COMMITTEE – 14 DECEMBER 2017**

**PART I - DELEGATED**

**5. 17/2053/OUT - Outline Application: Residential development of up to 49 dwellings, comprising a mix of houses and apartments, construction of parking spaces, landscaping and ancillary works (all matters reserved) at LAND TO THE SOUTH OF FOXGROVE PATH/HEYSHAM DRIVE, SOUTH OXHEY for Hertfordshire County Council**

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| Parish: Watford Rural | Ward: South Oxhey |
| Expiry Statutory Period: 8 January 2017 | Officer: Adam Ralton |
|  |  |
| Recommendation: To Grant Outline Planning Permission subject to conditions |
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| This application is brought before the Committee at the request of Watford Rural Parish Council, and at the request of three members of the Planning Committee. |

1. **Relevant Planning History**

* 1. 14/2041/PREAPP – Residential development of 50 dwellings. Closed 9 January 2015.

2. **Site Description**

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

3. **Description of Proposed Development**

* 1. This application seeks outline planning permission for the construction of up to 49 dwellings, together with car parking, open space and play space, new hard and soft landscaping, and a new vehicular and pedestrian access from Foxgrove Path. This outline application has all matters reserved, and therefore seeks a decision on the general principles of the development of the site.
	2. The submission indicates the provision of 49 dwellings on the site, comprising 14x one-bedroom flats, 22x two-bedroom houses, 12x three bedroom houses and 1x five-bedroom house. The application proposes that 22 of the dwellings (45% of the total) would be provided as affordable housing, and would be provided as 6x one-bedroom flats, 12x two-bedroom houses and 4x three bedroom houses.
	3. An indicative masterplan has been submitted with this application, which broadly shows the proposed block of flats to be constructed in the south eastern corner of the plot, with the houses (primarily detached or pairs of semi-detached houses, with one terrace of 4) to be distributed within the site. The plan shows that each house would benefit from its own private rear garden of a depth or area similar to those of the existing neighbouring houses. Each would also benefit from allocated car parking.
	4. The application is accompanied by:
* Design and Access Statement
* Planning Statement
* Flood Risk Assessment and Drainage Strategy
* Biodiversity Checklist
* Tree Survey Report
* Transport Statement
* Statement of Community Involvement
* S106 Draft Heads of Terms
* Geophysical Survey Report
* Ecological Appraisal
* Bat Activity Survey Report

4. **Consultation**

4.1 **Statutory** **Consultation**

* + 1. Watford Rural Parish Council: [Call in to committee]

*At our Full Parish Council meeting last night I was asked to request that this particular application is “called-in” to TRDC’s Planning Committee for review please. As you may be aware there is a considerable amount of concern being shown by local residents regarding this development (and others). There are a number of outlying factors that the Council and local residents are concerned with that they would like TRDC Councillors to consider including: the risk of flooding (especially as it was flooded not that long ago); the effect on the many species of bat which forage the area as well as other species that use the land; the impact of the transport issues which will arise, especially around parking, which is acknowledged in the report to be an issue; with the many developments occurring in Watford Rural currently there is still no provision for a local secondary school*

* + 1. Affinity Water: No response received.
		2. Environmental Protection: No evidence of land contamination.
		3. Hertfordshire and Middlesex Wildlife Trust: [Object]

*Insufficient ecological information supplied to enable an assessment of whether no net loss to biodiversity can be achieved. The application has not demonstrated compliance with NPPF or the Three Rivers Local Plan. Required surveys as stated in the ecological report have not been completed. Ecological report is not compliant with BS 42020. The application should not be approved until this information has been supplied.*

*In accordance with BS 42020, the object of an ecological report submitted in support of a planning application should be to demonstrate definitively how the proposals are capable of being consistent with NPPF and local planning policy.*

*The ecological report must show;*

*• what is there,*

*• how it will be affected by the proposal,*

*• how any adverse impacts will be avoided, mitigated or compensated sufficient to achieve no net loss or where possible net gain in biodiversity.*

*This ecological report does not currently demonstrate how the objectives of local and national planning policy regarding biodiversity will be achieved with sufficient certainty to ensure a sound decision is made. It is a preliminary survey and not sufficiently detailed for an application of this type which involves the destruction of a large greenfield site. There has been no quantification of impact, suggested surveys have not been completed and no mitigation or compensation has been definitively stated. Of greatest concern is the dismissal of semi-improved grassland as of no intrinsic value.*

*‘5.2 Habitats. The habitats on the site are all commonly found elsewhere in the local area. They have little intrinsic value. Therefore further botanical or habitat surveys were not considered necessary.’*

*This habitat covers the majority of the site. From the few species listed in the ecological report it appears that it may be of greater interest than implied. As a minimum a full botanical survey must be supplied, particularly in light of some of the pictures that have been supplied by other objectors which indicate a more valuable community than inferred in the ecological report. If the site is consistent with the NERC habitat Lowland Meadow impacts will be more significant than suggested.*

*Even if the grassland does not accord with lowland meadow, it still will have value which must be quantified so that a meaningful calculation of no net loss can be made. It must be made much clearer exactly how the development will minimise, mitigate or compensate its impacts in order to deliver no net loss or net gain to biodiversity.*

*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.'*

*A clear definitive strategy that addresses this point is required. Impacts should be quantified and measures put forward that ensure no net loss to biodiversity is achieved. At present this has not been done and so the application is not consistent with BS 42020.*

*NPPF, paras 109 and 118 state:*

*109 “the planning system should contribute to and enhance the natural and local environment by:*

*• minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”*

*118 “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity….”*

*In order to objectively assess the ecological value of the land proposed for development a consistent and fair methodology should be employed. It is not sufficient to subjectively state that no net loss will be achieved, this must be measured or the phrase becomes meaningless and a matter of opinion. The implementation of an acceptable biodiversity accounting methodology should ensure appropriate mitigation or compensation resources are provided to achieve the conservation and enhancement of biodiversity, as required by NPPF.*

*HMWT require that the DEFRA metric, which forms the basis of the Biodiversity Impact Calculator (BIC Environment Bank 2015), should be employed to assess the pre and post development ecological value of this proposal. The calculator must show a neutral or positive ecological unit score in order for the development to demonstrate that it is consistent with NPPF. The requirement to clearly demonstrate net gain is consistent with BS 42020 Biodiversity - code of practice for planning and development.*

*The reason for the application of the calculator is that it provides an objective mechanism to measure ecological impacts of any given development. It is transparent and ensures a measurable, standard and fair approach for developers and the local authority to provide consistency in assessing and calculating ecological impacts and therefore the required mitigation and or compensation measures. Without the application of the calculator, assessments of precise ecological impacts are subjective. The calculator has been devised by DEFRA, Natural England, several Local Authority Planning departments and upheld in a number of planning decisions as a suitable mechanism to assess no net loss or net gain (see attachment).*

*At present no BIC assessment has been undertaken to objectively assess ecological impacts, sufficient for the LPA to make an informed decision as to whether no net loss or net gain has been achieved. BS 42020 is clear that it the responsibility of the applicant to supply sufficient information to make this judgement.*

*No ecological avoidance, mitigation or compensation measures have been definitively proposed. In order to properly understand what is being proposed all ecological avoidance/mitigation/compensation measures must be clearly proposed and marked on maps. BS 42020 states:*

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

*A clear indication of all ecological measures that are required and will be delivered by the development must be provided.*

*Opportunities to incorporate biodiversity in and around developments will also be required. Integrated bat and bird boxes will need to be incorporated into the brickwork of buildings bordering open space, in accordance with NPPF. The model, location and position of these devices will need to be included on the plans. Conventional bat and bird boxes are not acceptable because they vulnerable to vandalism, theft and are not as permanent as integrated devices.*

*In order to maximise the habitat value of created and retained habitats either on or offsite, details of species, establishment regimes, management regimes and funds to secure on-going management of these habitats must be supplied. Habitats and species should be native, appropriate, and local provenance where possible and should be guided by the Herts Ecological Networks Mapping priorities for the area. All mitigation, compensation, enhancement, habitat creation measures must be definitively stated in the application and marked on maps. It is not acceptable to state what could or should be provided, only what 'will' be provided in order to ensure post development enforcement – as stated in BS 42020*

* + 1. Hertfordshire Constabulary Crime Prevention Design Advisor: No response received.

* + 1. Hertfordshire County Council Fire and Rescue: [No objection, fire hydrant provision requested]

*I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.*

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

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

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

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

*Section 106 planning obligation clauses can be provided on request.*

*Justification*

*Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link:* [*www.hertsdirect.org/planningobligationstoolkit*](http://www.hertsdirect.org/planningobligationstoolkit)

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

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

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

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

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

*(ii) Directly related to the development;*

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

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

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

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

*I trust the above is of assistance if you require any further information please contact the Development Services team.*

* + 1. Hertfordshire County Council as Lead Local Flood Authority: [No objection]:

*The proposed drainage strategy is based upon above ground attenuation storage and permeable paving with sub storage and discharge into the Thames Water surface water sewer network at controlled rate, as the option for infiltration is shown not to be feasible because the site is underlain by London Clay Formation. The applicant proposes to discharge surface water from the site by limiting the discharge rate, using a flow control device, to the calculated Qbar rate (mean annual flow rate) of 6.8 l/s.*

*Attenuation will be provided for all storms up to and including 1 in 100 plus 40% allowance for climate change. Drainage proposals identify the use of above ground feature such as a pond and permeable paving with sub base storage capacity, which will reduce the velocity of surface water through the development to controlled levels. We acknowledge that Thames Water has been contact and has raised no objections in relation to the above proposals.*

*As a mitigation measure, it is proposed ground floor levels within the development to be set by a minimum of 150mm above the surrounding ground level*

*The applicant has provided calculation and modelling for attenuation requirements. This volume was calculated for 1 in 100 year event plus 40% for climate change allowance considering 0.71 ha of impermeable area plus 10% for urban creep which makes a total of 0.781 ha. However the applicant should have taken into account the whole site area and not only the impermeable area.*

*Greenfield areas origin greenfield runoff rate, and these should also be considered when calculating the attenuation volume that is required.*

*The applicant should be aware that there have been some flooding issues in the surrounding area and flooding incidents have been reported to the LLFA.*

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

*Condition 1: No development approved by this planning permission shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to, and approved in writing, by the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment & Drainage Strategy, Version 1, prepared by WYG Engineering, reference A087862-1, dated July 2017, and all supporting information. The surface water drainage scheme should include:*

*1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 6.8 l/s during the 1 in 100 year event plus 40% of climate change event.*

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

*3. Implementing the appropriate drainage strategy based on attenuation and discharge into Thames Water surface water sewer network using appropriate above ground SuDS measures and indicated on drainage strategy drawing no. 300 Revision A.*

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

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

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

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

*Reason: 1. To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site. 2. To reduce the risk of flooding to the proposed development and future users.*

*Informative to the LPA: The applicant has stated in the Flood Risk Assessment & Drainage Strategy, that the maintenance will be undertaken by a management company paid by the residents. However, no maintenance plan was provided. The LPA will need to satisfy itself with the statement provided by the applicant. However we recommend the LPA to obtain a maintenance and adoption plan that explains and follows the manufacturer’s recommendations for maintenance or that it follows the guidelines explained by The SuDS Manual. A maintenance plan should also include an inspection timetable with long term action plans to be carried out to ensure efficient operation and prevent failure. For further guidance on the maintenance of SuDS components, please refer to the SuDS Manual by Ciria.'*

Further to the receipt of the above comments, the LLFA have provided the following additional information, in response to concerns received in response to the public consultation process:

*The information provided to the applicant regarding flooding history is taken from records held by the Lead Local Flood Authority (LLFA) of reported flooding incidents that have been notified to us, as such they will not represent a complete record of flooding as we can only advise the applicant as to what we know.*

*Questionnaires are issued to potentially affected properties once we are notified of a flooding incident to determine if a formal investigation is required to be undertaken under Section 19 for the Flood and Water Management Act 2010. The information obtained from these questionnaires allows us, the LLFA to have a better picture of the incident. If this initial information gathering exercise demonstrates a wider issue then we would conduct a formal investigation which can take anywhere between 3 and 9 months depending on the complexity of the flooding problem. At this stage all we will be doing is issuing the questionnaires and will determine what action is needed once we have analysed the responses.*

*The reason we are looking at the flooding on the 23rd June is that it is the most recent and therefore the most likely to have reliable information available to look at. We would as a matter of course look at any historic incidents as part of an investigation.*

*Having had a look at the details presented by the applicant for the development in question we are satisfied that they have met the requirements under the NPPF and NPPG and that their proposals are appropriate for managing surface water arising on their site. Whether it will make things better is unclear as it appears that the surface water that is likely to be causing localised flooding comes from the east with flow routes arising in Oxhey Woods. Certainly the development would not appear to be making anything worse and some active management of surface water arising on the application site may be beneficial, particularly for higher order events such as the 1 in 30 year rainfall event that occurred on the 23rd June 2016*

* + 1. Hertfordshire County Council Highways: [No objection]

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

***Conditions:***

***Condition (access design)*** *The development shall not begin until details of the access arrangements have been submitted to and approved in writing by the Local Planning Authority. The details are to include the following:*

*- The proposed layout for the revised junction of Foxgrove Path and Heysham Drive identifying the introduction of dropped kerbs and tactile paving to provide a safe crossing point for pedestrians.*

*- The proposed relocation of the bus stop on the south side of Prestwick Road close to the junction with Heysham Drive.*

*- The introduction of a kerbed build out and pedestrian crossing route immediately west of the junction of Prestwick Road and Heysham Drive.*

*Reason;- To encourage travel to and from the development by sustainable travel modes and to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).*

***Condition (construction management):****- The development shall not begin until full details of all proposed vehicle access, parking arrangements and mud / dust control facilities proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. These details should be submitted in the form of a Construction Management Plan.*

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

*I recommend inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.*

*AN1. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated highway improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website http://www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047*

***Highway comments:***

*This application requests outline planning permission for the proposed construction of 49 new dwellings on land to the south of Foxgrove Path. The documents submitted for consideration include a Transport Statement reporting the anticipated vehicular trips associated with the development and the potential impact of these trips on the surrounding highway network. The document provides information on the following aspects of the development proposal:*

***Description of the proposal and existing highway.***

*The development proposal promotes the construction of a residential development of 49 dwellings (14 one bedroom, 22 two bedroom, 12 three bedroom and 1 four bedroom). The proposed access is shown to be from Foxgrove Path which is classified as a Local Access Road within Hertfordshire’s road hierarchy and operates as a cul-de-sac. The proposed development will deliver a widening of Foxgrove Path between the site boundary and its junction with Heysham Drive. Heysham Drive is also classified as a Local Access Road and provides access to the wider highway network via its junction with Prestwick Road. This junction distributes all the vehicular trips generated from the residential properties on Heysham Drive and the connecting roads.*

***Highway access and parking provision.***

*Access to the existing highway network is proposed via a widening of the existing cul-de-sac of Foxgrove Path. The road is proposed to be widened to 4.8m. Footways of 2.0m width are proposed on both sides of the access road and the existing parallel on-street parking bays are shown to be repositioned.*

*The development will deliver a total of 88 car parking spaces (including 4 spaces to be relocated from Foxgrove Path). Parking for at least 49 cycles is also proposed and will be provided either within individual gardens or in communal parking stands. The Local Planning Authority is asked to give consideration to the proposed parking provision in relation to its current standards.*

*The Highway Authority would not expect to adopt the internal road layout and in consideration of the all matters reserved status of the application, it has not given consideration to the layout presented in the Transport Statement. However, this layout will need to be designed to be fully accessible by all vehicles likely to use, visit and service the site.*

***Trip Generation and Distribution.***

*The number of vehicular trips generated by the development has been assessed using data from the nationally recognised TRICS database. In consideration of the location of the site in relation to local facilities, including schools and bus stops on Prestwick Road, the trip rate values used are considered appropriate.*

*Additional residential properties are proposed on the site of the Grapevine public house. When considered in conjunction with the 49 proposed dwellings the total number of dwellings accessed from Heysham Drive is close to the 300 units considered to be maximum that should be served from a single access.*

***Junction capacity analysis.***

*The Transport Statement includes traffic survey information for the junction of Prestwick Road and Heysham Drive. The potential impact of the traffic generated from both this proposal and the consented development on this junction has been assessed. This junction capacity assessment has concluded that the existing junction will operate well within its theoretical capacity.*

***Existing Sustainable Travel Facilities.***

*The site is located in South Oxhey with a small number of local facilities within walking distance. The main shopping facilities of South Oxhey and the Carpenders Park train station are within 2km to the north of the site. Existing bus stops are available on Prestwick Road close to the site but no convenient crossing facility exists for pedestrians to cross the road to access the northbound stop. Bus service 8 operates along Prestwick Road offering a half hourly service between the site, Watford and Abbots Langley.*

*The site is considered to be reasonably well located in terms of sustainable travel options. However facilities are available close to the site that could be enhanced to encourage travel to and from the site by sustainable travel modes.*

***Proposed Sustainable Travel Facilities.***

*The documents submitted for consideration refer to the National Planning Policy Framework (NPPF). This policy document requires that decisions on development proposals should consider whether opportunities for sustainable transport modes have been taken up and also that safe and suitable access to the site can be achieved for all people. The lack of any formal pedestrian crossing point on Prestwick Road close to its junction with Heysham Drive is a concern to the Highway Authority. It considers that the relocation of the bus stop immediately west of the junction could facilitate the delivery of a more standard junction layout incorporating a pedestrian crossing point on Prestwick Road between the site and the northbound bus stop. It is therefore suggested that this encouragement to sustainable travel should be delivered as part of this development proposal.*

***Highway Consultation Summary.***

*The site is considered to be reasonably well located in terms of reducing the need for travel by private car. The promotion of travel by sustainable modes is an important consideration for this proposal and there are facilities local to the site that could be enhanced to encourage travel by these modes. The Highway Authority therefore requests that the development promotes off-site highway improvements to facilitate these trips. The Highway Authority will also require that formal consideration is given to all construction vehicle movements and parking arrangements to ensure that any inconvenience to users of the site and the adjacent highway is kept to a minimum. The Highway Authority therefore does not raise any objection to the application subject to confirmation of the suggested planning conditions and advisory note identified above.*

* + 1. Hertfordshire County Council Property Services: [No objection]

*Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Three Rivers’ CIL Area C 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.*

* + 1. Hertfordshire Ecology:[No objections, subject to conditions]

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

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

*- Ecological Appraisal (by WYG, July 2017)*

*- Bat Activity Survey Report (Interim) (WYG, September 2017)*

*Habitats*

*The site was re-visited on 5 July 2017 to determine its potential to support protected species and important habitats; advise if further survey work is needed; evaluate the impact of the proposals on the ecological interest found; and provide both mitigation measures (if necessary) and actions to achieve biodiversity gain which should all be incorporated into the development proposals.*

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

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

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

*Bats*

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

*Impact*

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

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

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

*There has been loss of part of Prestwick Road Meadows LNR/LWS in the past when the south-eastern section, which was originally scrub habitat, was lost to housing (Wentworth Drive) sometime between year 2000 and 2010 according to aerial photographs. The LNR/LWR should not be allowed to reduce or degrade further as this loss amounted to an area of roughly 0.8 ha, and ultimately reduced the ‘foot’ of the LNR/LWS from 170m to just 20m in length.*

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

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

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

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

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

* + 1. Highways England: [Offer no objection]
		2. 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 and 30% intermediate.*

*Policy CP3 of the adopted Core Strategy (2011) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be for 30% 1-bed units, 35% 2-bed units, 34% 3-bed units and 1% 4+ bed units. However, identified need for affordable housing suggests the following preferred mix: 22% 1-bed units, 50% 2-bed units, 24% 3 bed units and 4% 4 + bed units.*

*The application submitted states that there will be 22 Affordable units on this development which is 45% as per policy, this is encouraging. However we would need to discuss further the housing mix and tenure.*

* + 1. Landscape Officer: [No objections]

*A tree report has been submitted by Hertfordshire County Council dated 2 October 2014. The report has been carried out to British Standard 5837: 2012 Trees in relation to design, demolition and construction. I concur with the findings, and classifications of the trees on site. The report also highlights the space needed for the trees to grow, ensuring no future pressure on pruning, and the avoidance of the root protection areas. Providing the above advice is heeded then proposed projects are feasible.*

* + 1. Local Plans: [No objections]

*The proposal is for the development of an allocated housing site in the adopted Site Allocations Local Development Document (2014), and as such residential development is acceptable in principle. The site is phased for 2021 – 2026. The phasing of the site is indicative and it is capable of adjustment in response to the monitored progress across the plan timescale. Policy SA1 of the Site Allocations LDD phases the delivery of housing on the allocated sites in accordance with Policy CP2 of the Core Strategy in accordance with its strategic priorities. It sets out, amongst other criteria, that the early release of an identified housing site will only be considered if the Annual Monitoring Report projects that there will not be a five year supply of land for housing. The latest Annual Monitoring Report shows that there is currently a 9.8 year supply of land for housing. The site’s phasing means that a proportion of the dwelling capacity now falls within the period covered by the 9.8 year housing supply.*

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

*1 bedroom 7.7% of dwellings*

*2 bedrooms 27.8% of dwellings*

*3 bedrooms 41.5% of dwellings*

*4+ bedrooms 23.0% of dwellings*

*According to the accompanying Design and Access Statement, the application proposes 14 one bedroom units (28%), 22 two bedroom units (44%), 12 three bedroom units (25%), and 1 four bedroom unit (3%). The proposal is not in accordance with policy CP3 which seeks a lower proportion of 1 and 2 bedroom dwellings and a higher proportion of 3 and 4 bedroom dwellings. Whilst the proposal does not meet the criteria laid down in the most recent SHMA, an adjustment for specific schemes to take into account market information, housing needs and preferences and specific site factors is allowed for in paragraph 5.23 of the Core Strategy.*

*Policy CP4 of the Core Strategy requires provision of 45% affordable housing, unless it can be clearly demonstrated that this is not viable. As a guide the tenure split should be 70% social rented and 30% intermediate. The applicant has met the 45% affordable housing requirement by allocating 22 affordable units. In terms of mix and tenure, Local Plans support the applicant agreeing this with the Housing team.*

* + 1. National Grid (Gas): The apparatus that has been identified as being in the vicinity of your proposed works is:
* High or intermediate pressure Gas Pipelines and associated equipment
* Low or Medium pressure gas pipes and associated equipment.
	+ 1. Cadent Gas [No objections]

There is a high pressure pipeline local to the proposal. This is classed as a ‘Major Accident Hazard High Pressure Pipeline’ it is the local authorities responsibility to put the proposal through the HSE LUP process to confirm if the conditions are acceptable.

* + 1. British Pipeline Agency: We are not aware that any of BPA Pipelines apparatus, falls within the vicinity of the above noted location.
		2. NHS England: No response received.
		3. NHS Hertfordshire Clinical Commissioning Group:No response received.
		4. Primary Care Trust: No response received.
		5. Thames Water: [No objection] *Waste Comments*

*Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.*

*Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.*

*Water Comments*

*With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.*

4.2 **Public Consultation**

4.2.1 Number consulted: 211

4.2.2 Site Notices posted 1 November 2017 and expired 22 November 2017.

 Press notice published 27 October 2017 and expired 17 November 2017.

* + 1. Number of respondents: 124 (all objections). In addition, a link has been received to an online petition (at <https://www.thepetitionsite.com/704/815/770/save-south-oxhey-fields-and-surrounding-areas/>) entitled “Save South Oxhey Fields and surrounding areas - Proposed build for residential development 49 dwellings on unique lands that house bats and other numerous wildlife. Demolition of public house for 50 or more dwellings and numerous other dwellings in every small space left on Ashridge ward”. At the time of drafting this report, the petition had attracted 593 signatures.
		2. **Summary of Responses**

Character

* Overdevelopment of site.

Impact on Neighbours

* Overshadowing
* Do not want houses backing on to garden.

Impact on Trees

* Will have adverse impact on trees

Traffic and Parking

* Traffic from a 49 dwelling one way in and one way out road is dangerous. Has traffic survey taken into account neighbouring approved developments.
* Heysham Drive cannot cope with more construction traffic.
* Heysham Drive is already full of parked cars.
* Heysham Drive should be made one-way.
* Increase in traffic will cause more accidents.

Impact on Ecology/Biodiversity

* Bats use the land and need land free of buildings and light to feed and survive.
* This site should become a special area of conservation for the habitat of bats.
* Site has never had fertiliser used and provides an organic plant life.
* The site is used by newts and slow worms
* Proposal would be detrimental to Prestwick Road Meadows

Impact on flooding and drainage

* Submitted Flood and Water Management reports are incorrect, as floods in June 2016 affected more than one house.
* Water runs off the existing field and cascades through gardens every year and causes damage to houses.
* The open space is not suitable for houses due to flooding.

Other Comments

* Proposal does not suit the needs of local residents – larger properties are needed.
* Proposed boundary treatments to enclose site are unclear.
* No references to impact on schools or bus routes or doctor’s surgeries.
* This is the last piece of grazing land left in South Oxhey
* South Oxhey is losing its green space.
* Land needs to remain as open space for the community.
* Horses have grazed the field for the past 15 years

5. **Reason for Delay**

5.1 No delay

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

6.1 The Three Rivers Local Plan

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

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

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

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

6.2 National Planning Policy Framework (NPPF)

 On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF). The application has been considered against the policies of the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

6.3 Other

Supplementary Planning Documents 'Affordable Housing' (approved June 2011 following a full public consultation) and 'Open Space, Amenity and Children's Play Space' (adopted 2007) are relevant to this application.

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

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

7. **Planning Analysis**

7.1 Outline Nature of Development

* + 1. The application has been submitted in outline with all matters reserved, and consequently only seeks a decision on the general principles of how the site can be developed. Should Outline Planning Permission be granted, the reserved matters of access, appearance, landscaping, layout and scale would need to be submitted as formal applications for consideration.
		2. The illustrative site layout plan submitted as part of the application shows how the site could potentially be developed, but approval is not sought for these details within the application and these are taken into account as indicative only. Therefore while the assessment may acknowledge the layout and landscaping of the development indicated, the detail of these matters would be assessed at a subsequent stage should outline permission be granted.
	1. Principle of Development

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

* + 1. The application site is identified within the Site Allocations document as site H(31). The site allocations document identifies the site as grazing land with a dwelling capacity of 50. It comments that the site is adjacent to a wildlife site and Local Nature Reserve (Prestwick Road Meadows), and that measures to avoid adverse impacts and enhance biodiversity will need to be provided by developers, supported by adequate ecological survey.
		2. The site is outside but directly abuts South Oxhey which is identified as a Key Centre in the Core Strategy. The Core Strategy acknowledges that whilst the scope for development on the edge of the Key Centres is constrained by Green Belt and other environmental designations, there are opportunities to promote sustainable development through limited development within the Green Belt. The application site was formerly designated as Green Belt, but its inclusion within the Site Allocations LDD removes this constraint.
		3. Policy SA1 of the Site Allocations document sets out that allocated housing sites should be developed at an overall capacity which accords generally with the indicative capacity for each site. The proposal would provide for up to 49 dwellings on the site. This is considered to be in accordance with the indicative housing site allocation and the Local Plans team have raised no objection in principle, subject to the mix according with the requirements of the Core Strategy.
	1. Housing Mix
		1. Core Strategy Policy CP3 advises that new development should provide a range of house types and sizes to reflect the existing and future needs of the Three Rivers population and the characteristics of housing in the area and sets out that proposals should take into account the range of housing needs as identified in the Strategic Housing Market Assessment and subsequent updates.
		2. The South West Hertfordshire Strategic Housing Market Assessment (2016, Table 50) advises that in terms of the size of accommodation need to 2036 in Three Rivers, the overall requirement is for approximately 19% 1-bedroom units, 28% 2-bedroom units, 37% 3-bedroom units and 16% 4+ bedroom units, although for market dwellings the requirement is for approximately 8% 1-bedroom units, 28% 2-bedroom units, 41% 3-bedroom units and 23% 4+ bedroom units.
		3. The development would provide for 28% 1-bedroom units, 44% 2-bedroom units, 25% 3-bedroom units and 3% 4-bedroom units across a range of flats, terrace, semi-detached and detached properties, and provision is summarised in Table 1 below.

Table 1: Accommodation Size

|  |  |  |
| --- | --- | --- |
|  | SW Herts SHMA Requirement | Proposed Development |
| Market Requirement | Affordable Requirement | Total Requirement | Market Provision | Affordable Provision | Total Provision |
| 1 bed | 8% | 41% | 19% | 30% | 27% | 28% |
| 2 bed | 28% | 28% | 28% | 37% | 55% | 44% |
| 3 bed | 41% | 29% | 37% | 30% | 18% | 25% |
| 4 bed | 23% | 2% | 16% | 3% | 0% | 3% |

* + 1. The proposed mix would provide for a higher proportion of two bedroom houses and a lower proportion of three bedroom and larger houses.
		2. As referred to at paragraph 5.23 of the Core Strategy, while the above requirements should form the basis for the housing mix of proposals and provision across the District, it is recognised that they may need to be adjusted to take account of market information, housing needs and preferences and site specific factors. The mix of housing indicated would provide for a range of housing needs and while it would not directly replicate the indicative mix, it is not considered that this would be so significant as to prejudice the overall provision of housing across the District justifying refusal of permission. The development is considered to be acceptable in this regard, in accordance with Core Strategy Policy CP3.

7.4 Affordable Housing

* + 1. Policy CP4 of the Core Strategy requires development that would result in a net gain of one or more dwellings to contribute to the provision of affordable housing, and in most cases, affordable housing provision would be required on site. Policy CP4 sets out that 45% of all new housing should be affordable and that as a guide, 70% of the affordable housing should be provided as social rented and 30% should be intermediate.
		2. The Affordable Housing Supplementary Planning Document was approved by the Council in June 2011 as a material consideration and supports implementation of Core Strategy Policy CP4.
		3. The proposed development of 49 dwellings would result in a policy requirement for 22 affordable units, of which 15 should be social rented and 7 intermediate.
		4. The submitted application documents confirm that 22 of the dwellings are proposed to be affordable units which would be 45% of the total. The proposed distribution of affordable units is indicated in Table 2.

Table 2: Proposed Housing Distribution

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Private** | **Affordable** | **Total** |
| **1-bedroom flat** | 8 | 6 | 14 |
| **2-bedroom house** | 10 | 12 | 22 |
| **3-bedroom house** | 8 | 4 | 12 |
| **4-bedroom house** | 1 | 0 | 1 |
| **Total** | 27 | 22 | 49 |

* + 1. The application does not suggest the proposed split between intermediate and socially rented properties. However, a policy compliant split could be secured by a condition attached to any grant of planning permission. A condition is therefore attached to require the provision on site of a policy compliant affordable housing mix, including in relation to tenure, unless viability evidence demonstrates that this would not be possible.

7.5 Design and Impact on Street Scene/ Character

* + 1. Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy 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’.
		2. Policies CP3 and CP12 of the Core Strategy set out that development should make efficient use of land but should also ‘have regard to the local context and conserve or enhance the character, amenities and quality of an area’.
		3. In terms of new residential development, Policy DM1 advises that the Council will protect the character and residential amenity of existing areas of housing from forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:
	1. Tandem development
	2. Servicing by an awkward access drive which cannot easily be used by service vehicles
	3. The generation of excessive levels of traffic
	4. Loss of residential amenity
	5. 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.)
		1. The Design Criteria at Appendix 2 of the Development Management Policies document set out that new development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.
		2. Traffic generation, access for service vehicles and impact on residential amenity are considered in the relevant analysis sections below and it is noted that the proposal would not result in tandem development.
		3. Matters of scale, landscaping, layout and appearance are reserved matters, and therefore there is no detailed assessment available as part of this application in respect of the potential design of the proposal. However, the surrounding area is residential with groups of houses fronting the roads, with parking to the front. It is considered that the application site could accommodate a residential development of a design and appearance which would preserve the character of the area.

7.6 Impact on Neighbours

* + 1. Policy CP12 of the Core Strategy states that development should ‘protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space’. Policy DM1 and Appendix 2 of the Development Management Policies document set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
		2. The site is considered capable of accommodating residential development while protecting the residential amenities of neighbouring properties with a full assessment of the impact of scale, layout, landscaping, appearance and access to be made as part of any subsequent Reserved Matters application.

7.7 Amenity for Future Occupiers

* + 1. The application only provides indicative details of the layout of the site, and therefore a full assessment of the quality of the accommodation and quantum and quality of amenity space cannot be made at this time. However, it is considered that given the nature of the site sufficient space would be available to provide acceptable levels of amenity space provision to serve new residential development. This would be fully considered as part of any subsequent Reserved Matters application.

7.8 Highways, Access and Parking

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

7.8.2 The submitted documents indicate that Foxgrove Path would be increased in width, to facilitate the two-way flow of traffic. The existing on-street parking bays top the south would be retained, whilst those to the north side of Foxgrove Path are proposed to be relocated to the east to a location within the application site, to ensure no net loss of parking.

7.8.3 The initial response from Highways confirmed that the site is reasonably well located in terms of reducing the need for travel by private car. The response confirmed that the Highway Authority would not expect to adopt the internal road layout, however the layout will need to be designed to be fully accessible by all vehicles likely to use, visit and service the site. In terms of trip generation, the initial response raised concerns that the proposed development, in conjunction with the additional properties proposed on the site of the Grapevine Public House would take the total number of dwellings accessed from Heysham Drive to be close to 300, which is a maximum to be served from a single aspect. The above was based on the applicant’s original transport statement, which did not take into account the approval at The Grapevine site. Since the above was received, the applicant has prepared an updated Transport Statement which takes into account the additional traffic generation from the approved scheme at The Grapevine. The updated statement has been reviewed by Hertfordshire Highways. The total number of dwellings accessed from Heysham Drive is close to the 300 units considered to be a maximum that should be served from a single access, but it is important to note that this would not exceed the maximum. Hertfordshire Highways conclude that taking into account the traffic generation both at the application site and The Grapevine site, the junction of Prestwick Road and Heysham Drive would operate well within its theoretical capacity. As such, Highways raise no objections to the proposed development. It is noted that the consultation response suggests that the development provides off-site highways improvements to facilitate a reduction in private car journeys, however Officers do not consider that such off-site improvements as suggested (formal pedestrian crossing point on Prestwick Road) would meet the tests at Para 204 of the NPPF which sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The requirements of Para 206 would also not me met, as a condition to secure such facilities would not be necessary, or relevant to the development to be permitted.

7.8.4 The parking standards identify that a 1-bedroom dwelling should provide 1.75 spaces (1 assigned space); a 2-bedroom dwelling should provide 2 spaces (1 assigned space); a 3-bedroom dwelling should provide 2.25 spaces (2 assigned spaces); and a 4+ bedroom dwelling should provide 3 spaces (3 assigned spaces).

7.8.5 The proposed development would generate a total requirement for 99 spaces (63 assigned spaces). The assigned spaces would be required to serve future residents while the total parking requirement takes into account provision for visitors. The submitted indicative layout shows 84 car parking spaces to be provided (plus 4 as relocated from Foxgrove Path), however this current outline application does not consider matters of site layout which would include the parking provision, and therefore does not represent the final number or layout of parking spaces that would be provided.

7.8.6 The parking provision would form part of the consideration of any subsequent Reserved Matters application. However, it is considered that sufficient space could be accommodated within the site to provide adequate parking to serve residential development and comply with CP10, DM13 and Appendix 5.

7.9 Trees and Landscaping

7.9.1 The application site itself does not contain any trees, however the perimeter is surrounded on the whole by trees of varying sizes and of varying quality. None of the trees are subject of Tree Preservation Orders.

7.9.2 Policy CP12 of the Core Strategy expects development proposals to ‘have regard to the character, amenities and quality of an area’, to ‘conserve and enhance natural and heritage assets’ and to ‘ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features’.

7.9.3 Policy DM6 of the Development Management Policies document sets out requirements in relation to trees, woodlands and landscaping and sets out that:

 i) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.

 ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the Hedgerow Regulations 1997.

 iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant standards.

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

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

* + 1. The submitted Tree Survey Report indicates that the root protection areas of the majority of the trees around the site do not extend significantly into the application site. This application does not detail the proposed layout of the dwellings, however it is considered that the site could accommodate the number of dwellings in such a way that the off-site trees could be protected and retained with space to grow, and on this basis no objections are raised.

7.10 Refuse and Recycling

* + 1. Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

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

7.11 Sustainability

7.11.1 Policy CP1 of the Core Strategy requires all applications for new residential development of one unit or more to submit an Energy Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.11.2 Policy DM4 of the Development Management Policies document 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. From 2016, Policy DM4 advises that residential development should demonstrate it will meet a zero carbon standard as defined by Government. However, the Government are not currently pursuing zero carbon targets and as such the requirement would remain a 5% carbon dioxide saving over Building Regulations Part L (2013) standards.

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

7.12 Infrastructure Provision

7.12.1 Core Strategy Policies CP8 and CP10 require development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy Charging Schedule is applicable to this scheme and is the mechanism by which contributions would be sought towards infrastructure including education, libraries and sustainable transport.

7.12.2 The CIL Charging Schedule advises that the CIL rate per square metre for Area C (which includes the application site) is £0.

7.13 Flood Risk

7.13.1 Core Strategy Policy CP1 sets out that development should avoid areas at risk from flooding. Policy DM8 of the Development Management Policies document sets out that in accordance with National Policy, the Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk of flooding. Development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risk of flooding elsewhere. Where practicable, existing flood risks should be reduced. The application site is within Flood Zone 1 and is therefore at low risk from flooding. The submitted Flood Risk Assessment confirms this.

7.14 Sustainable Drainage

7.14.1 Policy CP1 of the Core Strategy states that there is a need to avoid development in areas at risk from flooding and to minimise flood risk through the use of Sustainable Drainage Systems. This policy also states that there is a need to manage and reduce risk of and from pollution in relation to quality of land, air and water and dealing with land contamination. Policy DM8 of the Development Management Policies LDD states that development will only be permitted where it would not be subject to unacceptable risk of flooding, and would not unacceptably exacerbate risk of flooding elsewhere, and that development must protect the quantity and quality of surface and groundwater resources from aquatic pollution and that there must be sufficient surface water drainage. Policy DM9 refers to contamination and pollution control.

7.14.2 It is noted that this application has attracted objections in respect of flooding and drainage matters. In respect of the number of people impacted by flooding in June 2016, the Lead Local Flood Authority have confirmed that the number of impacted properties they have referred to is from their records which comes from events reported to them by the public. As such, their records are only as accurate as the information passed to them by householders and recently questionnaires have been sent to householders to ascertain the extent of flooding impact. In respect of the impact of water running from the existing field and onto neighbouring premises, this matter would be dealt with by a drainage strategy which is discussed below.

7.14.3 The application is accompanied by a Drainage Strategy which sets out that the site will be developed to be approximately 46% impermeable (it should be noted that as an outline application, matters of layout and landscaping are reserved for consideration at a later date). It explains that due to the site being underlain by London Clay, infiltration drainage is unlikely to be appropriate and therefore an above-ground attenuation pond is proposed. In contrast with the existing position, with no controls over water runoff from the field toward neighbouring properties, the resultant site would contain a drainage system. As this application is for outline permission with all matters reserved, a full drainage strategy would form part of the consideration of any subsequent Reserved Matters application to enable the LPA to ensure, in consultation with the Lead Local Flood Authority, that the proposed drainage arrangement accords with Policies CP1 and DM8.

7.14.4 Notwithstanding the above, the Lead Local Flood Authority have confirmed that the use of an above-ground pond and permeable paving with sub-base storage capacity will reduce the velocity of surface water through the development to controlled levels. They have confirmed that outline planning permission can be granted subject to a condition which requires a detailed surface water drainage scheme to be submitted and approved in writing.

7.15 Contamination

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

7.15.2 The site has been reviewed by the Environmental Health Officer who has confirmed there are no records of contamination on the land.

7.16 Biodiversity

7.16.1 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.16.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy, and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

7.16.3 The comments attached to the site within the Site Allocations LDD note that the site is grazing land with a dwelling capacity of 50. It comments that the site is adjacent to a wildlife site and Local Nature Reserve (Prestwick Road Meadows), and that measures to avoid adverse impacts and enhance biodiversity will need to be provided by developers, supported by adequate ecological survey.

7.16.4 The objections raised by the Hertfordshire and Middlesex Wildlife Trust are noted, and in particular that insufficient ecological information has been supplied to enable an assessment of whether no net loss to biodiversity can be achieved. Hertfordshire Ecology have confirmed that the grassland has some ecological interest but the hedgerows are species-poor and gappy, and that overall the site’s habitats are of limited value. Potential for the presence of other species and bats is noted. In respect of bats, a 2017 survey identified bat activity on the site boundaries (notably the southern) but the buildings and trees were not considered to support roosting features. No objections are raised to the proposal, subject to conditions. Conditions are recommended to minimise the impact of construction activities on biodiversity at and adjacent to the site, and also to require a biodiversity enhancement and management plan to be submitted. This would able the development to meet the requirements of DM6 “development must conserve, enhance and where appropriate restore biodiversity”.

7.16.6 The boundary hedgerow is identified in the submitted Ecology Appraisal to be of importance. The protection of the boundary hedgerow would be secured along with the tree protection measures discussed above, and this in combination to enhancements to the site’s landscaping would ensure no adverse impact on the biodiversity or ecology value of the application site.

7.17 Safety and Security

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

7.17.2 The Hertfordshire Constabulary Crime Prevention Design Advisor has not commented on the application. However this is an outline application with all matters reserved. The reserved matters should be designed taking into account Crime Prevention advice and this matter would be dealt with as part of a future reserved matters application submission.

8. **Recommendation**

* 1. That OUTLINE PLANNING PERMISSION IS GRANTED subject to the following conditions:

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

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

 C2 Application for approval of the reserved matters referred to in Condition 1 above shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

 C3 No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

 i. the numbers, type and tenure of the affordable housing provision to be made which shall consist of 45% of the total number of units proposed, of which 70% shall be constructed and provided as Social Rented Dwellings and 30% shall be constructed and provided as Intermediate Dwellings;

 ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

 iii. the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);

 iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

 v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

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

 C4 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include full details of:

a. Construction vehicle numbers, type, routing;

b. Traffic management requirements;

c. Construction and storage compounds (including areas designated for car parking);

d. Siting and details of wheel washing facilities;

e. Cleaning of site entrances, site tracks and the adjacent public highway;

f. Timing of construction activities to avoid school pick up/drop off times;

g. Provision of sufficient on-site parking prior to commencement of construction activities;

h. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

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

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

 C5 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following.

A) Risk assessment of potentially damaging construction activities.

B) Identification of “biodiversity protection zones”.

C) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

D) The location and timings of sensitive works to avoid harm to biodiversity features.

E) The times during which construction when specialist ecologists need to be present on site to oversee works.

F) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

G) Responsible persons and lines of communication.

H) Use of protective fences, exclusion barrios and warning signs.

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

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

 C6 No development shall take place (including demolition, ground works, vegetation clearance) until a Biodiversity Enhancement and Management Plan has been submitted to and approved by the Local Planning Authority, detailing how it is planned to incorporate biodiversity as part of the development scheme, how the boundary and buffer habitats will be managed to maintain long term biodiversity objectives, and who will have the management responsibilities.

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

 C7 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall take place on site in connection with the development hereby approved unless the branch structure and trunks of all trees and hedgerows shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

C8 Prior to the commencement of development, including any demolition, a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

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

C9 Should they be required, detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

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

C10 No development approved by this planning permission shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to, and approved in writing, by the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment & Drainage Strategy, Version 1, prepared by WYG Engineering, reference A087862-1, dated July 2017, and all supporting information. The surface water drainage scheme should include:

 1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 6.8 l/s during the 1 in 100 year event plus 40% of climate change event.

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

 3. Implementing the appropriate drainage strategy based on attenuation and discharge into Thames Water surface water sewer network using appropriate above ground SuDS measures and indicated on drainage strategy drawing no. 300 Revision A.

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

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

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

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

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

* 1. Informatives

 I1 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 £97 per request (or £28 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. The Council's Building Control section can be contacted on telephone number 01923 727132 or at the website above for more information and application forms.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

 Where possible, energy saving and water harvesting measures should be incorporated. Information on this is also available from the Council’s Building Control section. 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.

 I2 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

I3 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 http://www.hertsdirect.org/services/transtreets/highways/ or by telephoning 0300 1234047.

I4 The following terms (and those related to them) referred to at Condition C11 shall be defined as set out below:

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) the initial share sold to the leaseholder

(i) is a minimum of 25% (twenty five per cent) and a maximum of 75% (seventy five per cent) of the total equity in the unit; and

(ii) is sold for a premium equal to the corresponding percentage of the Open Market Value of the property; and

(b) the annual rent:

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

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

(c) the tenant:

(i) pays no more than a Reasonable Service Charge (where applicable) and

(ii) may in successive tranches purchase the remainder of the equity in the dwelling

I5 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

I6 The applicant is advised that any future formal application on this site must include provision for a 5 metre buffer zone to be retained between the development site and the adjacent Local Nature Reserve/Local Wildlife Site.

I7 The applicant is reminded that the removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than three days in advance of vegetation clearance and if active nests are found, works should stop until the birds have left the nest.

I8 The applicant is reminded that any external lighting should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost/nesting sites.

I9 The applicant is advised to keep any areas of vegetation as short as possible up to, and including, the time when the works take place so that it remains / becomes unsuitable for reptiles or amphibians (including Great Crested Newts) to cross. Clearance of existing vegetation should be undertaken progressively towards boundaries to allow any animals present to escape to contiguous areas of retained habitat. Stored building materials that might act as temporary resting places are raised off the ground, e.g. on pallets or batons, away from hedgerows on site. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on. Any excavations are backfilled before nightfall or a ramp left to allow trapped animals to escape easily - this is particularly important if holes fill with water. If a reptile or amphibian (with exception of a Great crested newt) is found, then it should be moved carefully out of harm’s way. In the unlikely event that a Great crested newt is encountered during works, works must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.

I10 The applicant has stated in the Flood Risk Assessment & Drainage Strategy, that the maintenance will be undertaken by a management company paid by the residents. However, no maintenance plan was provided. Any future formal application should include a maintenance and adoption plan that explains and follows the manufacturer’s recommendations for maintenance or that it follows the guidelines explained by The SuDS Manual. A maintenance plan should also include an inspection timetable with long term action plans to be carried out to ensure efficient operation and prevent failure. For further guidance on the maintenance of SuDS components, please refer to the SuDS Manual by Ciria.