

## PLANNING COMMITTEE – 19 March 2020

**19/2133/FUL - Demolition of existing buildings and provision of 345 residential units (Use Class C3) in 2 buildings ranging from 3-7 storeys including a 1 and 2 storey podium; 621sqm of flexible commercial floor space (Use Class A1-A5, B1, D1/D2); 1,754sqm retail floorspace (Use Class A1) podium and surface level car and cycle parking; landscaping; and associated works at LAND AT SOUTH OXHEY, SOUTH OXHEY CENTRAL, HERTFORDSHIRE (DCES)**

Parish: Watford Rural

Ward: South Oxhey

Expiry of Statutory Period: 27.03.2020 (Agreed extension)

Case Officer: Claire Westwood

**Recommendation:** Approval subject to conditions and completion of S106 Agreement.

**Reason for consideration by the Committee:** Council interest in the land.

### Update:

A preliminary report was brought to the Planning Committee on 23 January 2020 where the application was discussed and clarification was sought on a number of aspects. The report and analysis below has been updated, however, the table below provides a summary of the main points raised at the Planning Committee meeting on 23 January 2020 and a summary response.

POINT RAISED	RESPONSE
There is concern over the level of social housing being delivered and the proposed tenure split of 50/50 social rented/intermediate which is not policy compliant.	<p>Policy CP4 advises that the starting point for tenure split of affordable housing should be 70% social rented and 30% intermediate.</p> <p>The policy also states that the Council will however treat each case on its merits, taking into account site circumstances and financial viability. A Financial Viability Assessment has been submitted as part of the application which has been independently assessed on behalf of the Council.</p> <p>This confirms that the proposed development provides the maximum amount of affordable housing that can be delivered on the site based on viability, local needs and other key policy objectives, including maximising the delivery of affordable housing on-site, the promotion of mixed and balanced communities and the need to encourage rather than restrain residential development and the specific circumstances of sites and the benefit this proposal will bring.</p> <p>Therefore, the proposed tenure split accords with the provisions of Policy CP4.</p>
Additional 4 bed social housing should be provided as part of the proposed Phase 3 development.	<p>The site is located within a town centre and has good access to public transport services, shops and community facilities. On this basis, the site is considered to be more appropriate for higher density development with a higher proportion of smaller units.</p> <p>The proposals include 42 family homes including 20 traditional townhouses, which are carefully incorporated into the development to provide a greater choice of homes and contribute towards a fully balanced and sustainable community. This mix was agreed with the Council's Housing Officer as part of the pre-application discussions prior to submission.</p>

	<p>This also represents a significant uplift in terms of family housing when compared to the Hybrid permission, which would have seen only 9 x 3 bed houses provided or 4.5% provision compared to the now proposed 12.2%.</p>
<p>Questioned the original quantum of affordable housing provided and what the total will be if the proposed development is approved.</p>	<p>The HPP provided 514 new homes including 96 (18.7%) social rented homes. This re-provided the number of social rented properties that existed at the time on the main site. The proposal therefore provided high quality new homes to meet the needs for all tenants in the existing South Oxhey Central buildings.</p> <p>The Financial Viability Appraisal (FVA) submitted in support of the HPP confirmed that the scheme would be viable with 96 (18.7%) affordable social rented homes. However, any increase beyond this would have made the scheme unviable. All 96 affordable homes have, or will come forward within Phases 1 and 2.</p> <p>The Phase 3 site could be brought forward under a reserved matters application to the HPP. This would provide 200 new market homes and no affordable housing.</p> <p>The proposed development includes 65 affordable homes, which is a significant uplift for the South Oxhey Initiative and represents 45% of affordable housing provision on the uplift in units. The total number of homes provided by the South Oxhey Initiative will therefore be 659 of which 161 (24.4%) will be affordable.</p> <p>Notwithstanding the HPP, there have been a further 21 shared ownership units that have been delivered in Phase 1 in place of market units. As such the number of affordable units delivered as part of the scheme will be 182 (27.5%).</p>
<p>Medical centre/ GP surgery are required and should be provided as part of the proposed development.</p>	<p>The statutory consultee for medical services in Three Rivers is NHS Herts Valley. In order to mitigate the impacts of the proposed development a contribution is proposed to increase GP capacity, this is based upon high existing patient numbers at the three closest GP premises in the area.</p> <p>The contribution is calculated using a standard formula which calculates the number of new patients and the additional floorspace they would require. In this case, the figure is £259,515.90 or £752 per dwelling. This money will be used by NHS Herts Valley to provide any additional services they consider are required to mitigate the impact of the development. This contribution will be secured through completion of a S106 legal agreement.</p>
<p>Local schools over prescribed and the application should be contributing to this further.</p>	<p>The proposed development will result in a minor population increase. To mitigate any potential impact on local services and infrastructure, HCC property services has requested a number of contributions, which includes contributions towards the local schools:</p> <ul style="list-style-type: none"> <li>• Primary Education: towards the expansion of Woodhall Primary School from 1 form of entry to 2 forms of entry (£104,332).</li> <li>• Secondary Education: towards the expansion of Rickmansworth Secondary School from 6.5 form of entry to 7.5 forms of entry (£74,523).</li> <li>• Library Service: towards the enhancement for a project to increase the capacity of the ICT offer at Oxhey Library</li> </ul>

	<p>through provision of additional IT resources for adults, children and young people (£15,169).</p> <ul style="list-style-type: none"> <li>• Youth Service: towards refurbishing the entrance and office space of the South Oxhey Young People's Centre, as well as improvements to the main recreation area and additional cosmetic enhancements to ensure that the Young People's Centre continues to be an attractive and vibrant space for the increased number of young people moving into the area as a result of this development (£1,961).</li> </ul> <p>These contributions will be secured through completion of a S106 legal agreement.</p>
Additional transport contributions requested, including a contribution towards parking provision and a better bus service.	<p>HCC, as the highways authority, is the relevant statutory consultee and has proposed the following contributions in order to make the proposed development acceptable in planning terms:</p> <ul style="list-style-type: none"> <li>• £8,000 to upgrade the kerbing access to the stop on Oxhey Drive outside the site;</li> <li>• £10,000 to provide a display screen to the bus stop for services in the opposite direction;</li> <li>• £6,000 to cover monitoring of the Travel Plan (noted as erroneously not requested under the hybrid, and in our experience follows their guidance as seen on other schemes).</li> </ul> <p>These contributions will be secured through completion of a S106 legal agreement.</p>
Concern that 6 new points of access are proposed onto Highways and the impacts this may have on the highways network.	<p>All of the accesses (except one) have been approved under the 2016 outline application. All accesses meet with visibility requirements and are considered to be safe. A stage 1 road safety audit has been undertaken and the results of the audit addressed within the revised highways plans submitted to HCC.</p>
Concern over the capacity of the mini roundabout on Prestwick Rd & Oxhey drive.	<p>The Transport Assessment (TA) assesses the impact of the Phase 3 development on the mini roundabout at Prestwick Road and Oxhey Drive. The modelling shows that the development will not result in a significant impact on the operation of this junction which will continue to operate within capacity once the development is occupied. HCC's response confirms that the modelling and impact of the development is acceptable.</p>
The committee report refers to 2016 figures, which are considered to be out of date.	<p>The trip rates used in the TA are the same as the 2016 outline application, which remain appropriate and have been agreed and accepted by HCC as highway authority.</p>
Question whether it is accurate that the proposed development will result in 21 additional outbound journeys assumed and 7 return journeys from the report.	<p>The 21 outbound and 7 inbound trips refer to the morning peak hour (0800-0900) only and only apply to the additional 145 dwellings. These are based on the trip rates used in the 2016 outline application and HCC agree that they remain appropriate for this development.</p>
Note that there are balconies proposed over highways which cannot be adopted and will require maintenance.	<p>The extent of the public highway has been adjusted (amended plans submitted) so that balconies will not over-sail any new public highway.</p>

<p>Suggestion that there is a lack of cycling routes and patterns proposed as part of the development.</p>	<p>There is an existing off-road cycle track along Prestwick Road. The proposed development does not result in a big increase in the level of cycling. Therefore, further mitigation measures will not meet with the test as laid out under para 56 of the NPPF.</p>
<p>Disability/aging population access raised as a concern, including dropped kerbs at junctions.</p>	<p>Pedestrian facilities (dropped kerbs and tactile paving) will be provided for each new access, and the raised table on Bridlington will be retained.</p>
<p>An improved better bus service is needed in South Oxhey.</p>	<p>The site is well served by public transport and is located very close to a train station which provides regular services to Watford, Wembley, South Hampstead, central London and many others. Two regular buses also serve South Oxhey with destinations including Watford, Bushey, Northwood, Abbots Langley and the Warner Bros Studios.</p> <p>Financial contributions requested by HCC as Highway Authority will be secured via S106 legal agreement.</p>
<p>Car park entrance gates conflict with highway land as raised by HCC.</p>	<p>Amended plans have been received and the gates have been amended to be set back the required distance in accordance with HCC's request.</p>
<p>Questioned what M4/2 &amp; M4/3 compliant means and where these are being provided.</p>	<p>Part M of the building regulations concerns access to and use of buildings. All dwellings are required to be designed to part M4(1) of the building regulations. Higher optional building regulations are set out under Part M4(2) and M4(3). Whilst this matter concerns building regulations and is not controlled/required by planning, CPPLC are making a commitment through planning to deliver new units to these higher optional building regulations.</p> <p>All flats have been designed to M4(2) standards. In addition, 6 of the units also meet M4(3) standards.</p> <p>To clarify the difference between the two categories:</p> <p style="padding-left: 40px;">M4(2) – Are designed either to be adaptable to meet the changing needs of occupants over time, this includes meeting the needs of some older or disabled people including some wheelchair users.</p> <p style="padding-left: 40px;">M4(3) – Are designed either from the outset or through simple adaptation to meet the needs of wheelchair users.</p> <p>Therefore, in terms of wheelchair accessibility - M4(2) is classed as an adaptable and accessible dwelling, but only for some wheelchair users. Whereas M4(3) can be provided in either a complete or simple adaptable form to achieve an accessible dwelling which would meet the needs of all wheelchair users.</p>
<p>Concern that Phase 1 and 2 are not wheelchair accessible, with particular reference to flats and communal spaces in buildings and the lifts.</p>	<p>Phases 1 and 2 were built out under a separate planning permission. In terms of accessibility, these Phases fully comply with planning policy.</p> <p>As explained above, following consultation, this application has sought to go beyond planning policy requirements to design to the highest standards of optional building regulations in terms of access to and use of dwellings.</p>
<p>Will the proposed lifts be appropriately sized for disabled users.</p>	<p>Besides the ground floor wheelchair adaptable dwellings M4(3), all other flats at upper levels have been designed to meet building regulations approved document part M4(2)- accessible and adaptable dwellings.</p>

	<p>That means a wheelchair user will be able access all units. In order to comply with this wheelchair access requirement, all lifts in the development will meet the minimum interior car dimensions of 1100mm by 1400mm (as stipulated in the part M4(2) and BS8300-2:2018).</p>
<p>Insufficient parking, significant shortfall against standards.</p>	<p>The site benefits from being within an accessible location, both in terms of proximity to alternative modes of travel and essential social infrastructure, including employment, retail and education land uses. Residents of the site will not therefore be reliant on the car to travel to/from the site. Therefore, it is considered that the application site is in an area of high accessibility where a reduction in the levels of parking for residential is appropriate. As such, whilst the shortfall is noted, given that the proposed residential parking provision of 268 residential spaces would equate to a ratio of 0.77 spaces per unit which is above the 0.69 spaces per unit agreed at the time of the HPP and that the site is in an area of high accessibility, the level of residential parking is considered acceptable.</p> <p>In relation to commercial parking, it is considered appropriate to apply a zonal reduction. There is a policy requirement for 97.4 spaces (reduced to between 24.25 – 48.5 spaces when applying zonal reduction) to serve the foodstore and a policy requirement for 20.7 spaces (reduced to between 5.25 and 10.5 spaces when applying zonal reduction) for the remaining commercial elements. The current application proposes 79 spaces to serve the foodstore which exceeds that required when applying a zonal reduction. The 24 spaces proposed to serve the remaining commercial elements exceeds the policy requirement for 20.7 spaces.</p>
<p>Confirmation of whether electric vehicle charging points will be provided.</p>	<p>The Applicant has committed to providing electric vehicle charging points as part of the proposed development. This requirement will be secured by way of planning condition with the final provision to be agreed.</p>
<p>Basement parking should be considered.</p>	<p>The Financial Viability Appraisal (FVA) submitted in support of the planning application demonstrates that the proposed development is providing the maximum reasonable quantum of affordable housing whilst continuing to be deliverable. The FVA has been reviewed by an independent third party on behalf of the Council which has confirmed the conclusions of the FVA.</p> <p>The introduction of basement car parking was considered at the outset of the design, but not taken forward as it would add significant additional costs which would impact on the viability of the proposed development. This would likely require either significant additional floorspace to be provided or a reduction of affordable housing provision.</p>
<p>Insufficient cycle parking.</p>	<p>Appendix 5 of the Three Rivers Development Management Policies document states the cycle parking provision for flats is 1 space per 2 flats. As the commercial uses are flexible, cycle parking has been provided in accordance with an A1 food store &amp; A3 Café use which are the more robust standards as set out in Appendix 5. The cycle parking provided is therefore in accordance with the standards.</p>
<p>Current disabled bays not marked out clearly.</p>	<p>Countryside is committed to providing accessible developments. This is under investigation and Countryside will do everything in its power to rectify any issues.</p>

<p>Suggestion that Henbury car park is always full.</p>	<p>A survey has been undertaken by Markides Associates, which confirms that there is capacity within the car park throughout the week at all times.</p> <p>The survey identified the highest occupancy to be limited to the peak weekday time period of 9:00-10:00am. A total of 43 of the 55 car parking spaces (80%) were occupied for this short period of time. After 11:00 the car park had at least 20 spaces (36%) available until 19:00 when the occupation begins to decrease further.</p> <p>The weekend occupancy was found to be lower, with parking occupancy is at its greatest between the hours of 09:00 and 11:00 with a peak of 30 spaces (60%) occupied between the hours of 10:00 to 11:00.</p> <p>Importantly, the majority of the vehicles using the car park stayed for less than 1 hour, and of this majority a high proportion of people stayed for less than 30 minutes. This demonstrates that the car park operates as intended, with a high turnover of short stay visits and significant capacity for additional vehicles to park.</p> <p>The survey has therefore demonstrated that there are no capacity issues at the Henbury Way car park, and there remains spare capacity across the day, which shows the car park has appropriate capacity to serve South Oxhey town centre.</p>
<p>South Oxhey should not be considered an urban area.</p>	<p>The site is located within the South Oxhey Town Centre.</p> <p>The Core Strategy includes a spatial strategy for Three Rivers, where new development will be directed towards previously developed land (including surplus employment land) and appropriate infilling opportunities within the urban areas including South Oxhey.</p> <p>Core Strategy Strategic Objective S2 sets out that the re-use of land in the urban area is necessary to act as a stimulus for existing settlements, to concentrate development in the most accessible areas and to protect more open parts of the District. The objective states that opportunities for regeneration in South Oxhey mean that a higher proportion of development in this area may be on previously developed land.</p> <p>The Phase 3 scheme will promote the regeneration of South Oxhey in line with the South Oxhey Town Centre Housing Site Allocation (H29) and deliver improvements in housing quality and access to housing, commercial and shopping facilities, and access to employment, education, skills and training.</p>
<p>Suggestion that the proposed buildings are too tall.</p>	<p>The height and mass of the proposed Phase 3 buildings have been carefully considered taking into account their town centre location, the previously approved masterplan and the surrounding context. The height along Prestwick Road continues that set out by the Phase 2 buildings, emphasising the importance of the new market place and the retail zone at the heart of South Oxhey anchoring the development by the Phase 2 landmark corner and Blocks P/Q with Lidl at ground floor, providing a wayfinding point. In addition, the generous width of Prestwick Road and Oxhey Drive situate homes across these streets at a suitable distance for the height to be justified.</p>
<p>Response to WRPC BRE report on daylight/sunlight.</p>	<p>A full response has been provided by Point 2 Surveyors on behalf of the applicant (planning analysis (section 7.6) updated below).</p>

<p>One flat will lose all light to living room (para 3.4.1 BRE report).</p>	<p>Response from Point 2 Surveyors on behalf of applicant:</p> <p><i>“The BRE are referring to the Average Daylight Factor (“ADF”) test to draw the conclusion that one of the living rooms is left with no natural daylight. The ADF tests is quite a simplistic formula whereby factors such as: floor area, wall area, ceiling area, average reflectances of internal surfaces, transmission value of glass, amount of visible sky etc are converted into a numerical value, and those numerical values are then fed into the calculation to arrive at the %ADF. One of these factors is derived from the VSC achieved at the centre of the window. Because of the simplicity of the calculation, if one factor is calibrated to zero the ADF will similarly be zero. However, this does not mean the room will not receive natural daylight as the BRE Report purports.</i></p> <p><i>The VSC is a calculation spot at the centre of the window. It has nothing to do with the size of the window. The VSC would be exactly the same if the room had curtain glazing or the window was the size of a postage stamp. The recessed nature of the room ultimately means the amount of sky received at the VSC calculation point is going to be lower than it would otherwise be.</i></p> <p><i>In order to better understand the daylight position in this room, we have undertaken a lighting simulation study known as ‘Radiance’. Radiance is a lighting simulation software suite which can be used to calculate the ADF from first principles. This accounts for both internally and externally reflected light based on physical material properties. Daylight factors are calculated across the working plane and these are averaged to give the ADF for the room.</i></p> <p><i>We have calculated the light levels received within the room in the consented and proposed scenarios.... , the difference between the consented and proposed scenarios is minimal. The only change is the reduction to a small band immediately at the window however, when the daylight factors across the whole room are averaged, this shows the consented scheme offers 0.5% ADF and the proposed scheme offers 0.3% ADF.</i></p> <p><i>Both a 0.5% and 0.3% ADF will necessitate the use of supplementary lighting to utilise the space, and indeed electric lighting would be needed most of the time. It is therefore envisaged that the pattern of use of the room will not change between the consented and proposed scenarios”.</i></p>
<p>The committee report suggests that Average Daylight Factor (ADF) is 88% compliant but what is the level for the remaining 12%? Average Sunlight Hours (APSH) is 21% - clarity on what 4 rooms are affected?</p>	<p>Response from Point 2 Surveyors on behalf of applicant:</p> <p><i>“With regards to Annual Probable Sunlight Hours (APSH) levels within the 4 rooms, these rooms achieve 21% (2 kitchens) and 23% and 24% (2 bedrooms) APSH; the BRE recommends an APSH of 25%. These represents only a small derogation from the Guidance as the rooms are still left with 21%-24% APSH which for an urban area we consider to be adequate. Furthermore the BRE provides that although care should be taken not to block too much sun, kitchens and bedrooms are less important (BRE para 3.2.3). Thus considering the context, small degree of derogation from the guidance and the room use, these reductions are considered acceptable.</i></p> <p><i>Within the development, 12% of rooms fall below the BRE recommendations for Average Daylight Factor; the BRE National Guidance recommends reception rooms (LKD, LD &amp; Dining rooms) achieve 1.5% ADF and bedrooms 1%. Of the 41 reception rooms</i></p>

	<p><i>which fall below the Guidance, the ADF figures range from 0.3% to 1.4%, however 25 of these are small derogations at between 1% and 1.4%. The remaining reception rooms do experience lower values however these are primarily due to the presence of balconies which will naturally limit the amount of skylight rooms can achieve. As balconies will provide valuable amenity space for these apartments, these reductions are considered acceptable.</i></p> <p><i>The bedrooms within the development which fall below the 1% ADF recommendations achieve between 0.5% and 0.99% ADF. These derogations are considered acceptable as they are generally small (29 of 34 rooms between 0.7% to 0.99%). Once again whilst the balconies associated with these properties limit daylight, they also provide vital amenity space, thus the overall impact on amenity needs to be considered in the round”.</i></p>
<p>Amenity space - only a third of policy requirement provided.</p>	<p>All dwellings will have a dedicated private amenity space, either by way of balcony or terrace (for every apartment) or private garden for houses.</p> <p>The scheme will provide significant increase in private communal amenity space through the provision of four new landscaped podiums, including 577 sqm of play space, which otherwise would not have come forward under the Hybrid Planning Permission.</p> <p>The site already has good access to a number of public amenity green spaces within walking distances. There are 5 key green public amenity spaces within 400 metres of the site providing a variety of opportunities for informal recreation. There are a further 13 green public amenity spaces within walking distance (1km). There are formal recreational facilities available in 5 of these spaces, 3 of which specifically include children’s playgrounds.</p> <p>In addition, the proposed development includes a significant uplift in the quality of the existing public realm and open spaces. The scheme will improve access to existing spaces in the local area by creating a permeable street network and an attractive walkable neighbourhood.</p> <p>The proposed public realm and open space provision will be to a high standard resulting in a significant improvement in the character, quality and usability compared to the existing provision, whilst enabling the development to deliver the core objectives of improving local services, delivering better homes, meeting housing need and making the most efficient use of this scarce Brownfield Site in an accessible town centre location.</p>
<p>Further detail requested in relation to the podiums, to provide clarification on how these will function and provide visuals.</p>	<p>The landscape podiums courtyards provide much needed communal amenity space for all residents of the development, accessed via the communal cores or the private amenity gardens which edge the courtyard. Communal access is step free and where there are level changes within the courtyards ramps have been provided to allow wheelchair users to fully access the courtyards.</p> <p>An indicative visual demonstrating how the podium gardens will look has been provided and will be included in the images presented at committee.</p>
<p>Question what the air quality will be on the landscaped podiums with respect to the</p>	<p>Whilst the podiums are situated directly above the undercroft carparking there is no ventilation from the car parking into the podium, therefore the air quality in the courtyards will not be affected by the carparking below.</p>



car parking located beneath.	In addition, with regards to air quality more generally, AECOM undertook detailed dispersion modelling as part of the South Oxhey Phase 3 Air Quality Assessment completed in October 2019. The air quality assessment concluded that nitrogen dioxide (NO <sub>2</sub> ) and particulate matter (PM <sub>10</sub> and PM <sub>2.5</sub> ) annual mean concentrations and short-term NO <sub>2</sub> and PM <sub>10</sub> concentrations would be significantly below the relevant Air Quality Strategy (AQS) objective levels at each receptor location and therefore the site was suitable for residential use.
Report to provide clarification on landscaping/public realm improvements.	A full landscaping scheme is included as part of the proposed development, which has been designed by Philip Cave Associates. The scheme includes the planting of 31 new trees with just six existing trees removed to facilitate the development and the wider associated planning benefits. The new tree planting is located to the highway boundaries of the development and gives the opportunity to improve the long-term amenity value of the tree resource.  The scheme includes a comprehensive provision of landscaping at street level to complement and enhance both the existing streetscape and the emerging streetscape as Phase 2 under the Hybrid permission is constructed.
No reference to preservation of existing murals which are over 50 years old.	The applicant has agreed to take photographic records of the existing murals, which will be displayed prior to occupation of the Phase 3 development. This can be secured by planning condition.
Impact on TV and broad band signals.	A utilities assessment has been submitted as part of the proposed development which evaluates the impact of the proposed development on all utility services and outlines how the proposed additional requirements will be acceptable.
Comments from Herts Police relating to security.	The applicant is committed to providing safe and secure developments. This will include achieving 'Silver' Secured by Design accreditation for the physical envelope (doors and windows) of the Phase 3 development. This is above the minimum requirements for residential developments.  The provision of CCTV is being incorporated into Lidl's design and will be situated internally and externally.

## 1 Relevant Planning History

- 1.1 16/0005/FUL - Hybrid planning application for the phased comprehensive redevelopment of the land at South Oxhey (South Oxhey Central, Maylands Road, Hayling Road and Hallows Crescent) to include the demolition of existing buildings and provision of residential led mixed use development comprising Use Classes C3, A1/A2/A3/A4/A5 and D1/D2, with associated site preparation/enabling works, transport infrastructure works, landscaping works and provision of car parking. Permitted 31.05.16. Implemented.
- 1.2 16/2053/NMA - Non Material Amendment to planning permission 16/0005/FUL: Amendment to the Development Schedule to include up to 550sqm gross internal floorspace for Class B1 (office) use within the defined Town Centre Uses; and amendment to the suite of parameter plans to provide an additional development zone for a single storey building within Phase 1B. Permitted 12.10.16.

- 1.3 16/2040/AOD - Approval of Details: Details pursuant to Condition 18 of hybrid planning permission 16/0005/FUL comprising layout, scale, appearance and landscaping for Phase 1B (Station Approach). Permitted 20.01.17. Implemented.
- 1.4 16/2264/NMA - Non material amendment to planning permission 16/0005/FUL: Amendment to the Development Schedule to include up to 186sq.m gross internal floorspace for use as a Bookmakers (Sui Generis) within the defined Town Centre Uses. Permitted 04.11.16.
- 1.5 17/0520/NMA - Non material amendment to planning permission 16/0005/FUL: Amendment to the location of the substation within Phase 1A; Amendment to ground floor window location to House Type AH4 at Maylands Road; Amendment to elevations E and F in Phase 1A (amendments to columns at ground floor); and Change to the boiler types in 28 units in Blocks E and F from combi gas boilers to electric boilers. Permitted 04.04.17.
- 1.6 17/1436/AOD - Approval of Details: Details pursuant to Condition 18 of hybrid planning permission 16/0005/FUL comprising layout, scale, appearance and landscaping for Phase 2. Permitted 20.10.17. Implemented.
- 1.7 Various Discharge of Conditions (DIS) applications pursuant to the above applications.
- 1.8 17/2653/RSP - Retrospective: The temporary occupation of Plots 22, 23 and 24 of Block G1 as a marketing suite (Sui Generis) for a period of no longer than 3 years. Permitted 23.02.18.
- 1.9 19/2117/FUL - Retention of temporary car park and associated works. Pending consideration.

## **2 Description of Application Site**

- 2.1 South Oxhey lies to the north west of London and to the south of Watford. It is segregated from Carpenders Park to the east by the railway line. Carpenders Park Station is sited between the two, in close proximity to the centre of South Oxhey.
- 2.2 The surrounding context of the site has changed as the initial phases of the Hybrid Planning Permission have come forward. This includes the comprehensive redevelopment of Station Approach (Phase 1B) which saw 1,972 sqm floorspace of town centre uses delivered. The site context will be further altered and enhanced following the completion of Phase 2 of the Hybrid Planning Permission, which is currently under construction and will provide 174 units, of which 48 are affordable, in buildings of up to 7 storeys, and a further 730sqm of flexible town centre uses.
- 2.3 The current application relates to 'Phase 3'. The site is bounded by Bridlington Road to the east, Oxhey Drive to the south and Prestwick Road to the west. The development site of Phase 2 (currently under construction) is located to the north.
- 2.4 The site currently accommodates a mix of Class A uses along Bridlington Road, St Andrews Road and Prestwick Road at the ground floor, with residential (Class C3) flats above in blocks of predominantly 4-storeys.
- 2.5 The site is within an established residential area surrounded by residential properties. It is an accessible town centre location within a designated district centre. Carpenders Park Station is located to the east of the site.

## **3 Description of Proposed Development**

- 3.1 In May 2016, planning permission was granted for a hybrid application (ref. 16/0005/FUL) ('the Hybrid Planning Permission' (HPP)) for the phased comprehensive redevelopment of the land at South Oxhey to include the demolition of existing buildings and provision of residential led mixed use development comprising Use Classes C3, A1/A2/A3/A4/A5 and

D1/D2, with associated site preparation/enabling works, transport infrastructure works, landscaping works and provision of car parking.

3.2 The planning permission was granted in hybrid form, part full (Phase 1a and Satellite Sites) and part in outline (the remainder). The key elements comprise:

- 514 residential units (including 96 affordable) comprising 32,252 sq. m floorspace
- 5,137 sq. m floorspace town centre uses (including a foodstore of up to 1,714 sq. m floorspace)

3.3 This has been delivered in part through the full detail element of the hybrid application and a subsequent series of reserved matters applications on a phased basis as follows:

- Phase 1A and Satellite Sites (Hybrid 16/0005/FUL): 140 residential units (including 48 affordable)
- Phase 1B (Reserved Matters 16/2040/AOD): 1,972 sq. m floorspace of town centre uses
- Phase 2 (Reserved Matters 17/1436/AOD): 174 residential units (including 48 affordable), and 730 sq. m floorspace of town centre uses

3.4 The remaining quantum of development which could be brought forward under Phase 3 as a reserved matters application comprises:

- 200 residential units (12,242 sqm residential floorspace), comprising the following mix: 54 x 1-bed; 137 x 2-bed; and 9 x 3-bed.
- Up to 2,435 sq. m floorspace of town centre use (including a foodstore of up to 1,714 sq. m floorspace)

3.5 The current application has been submitted as a standalone detailed application for the Phase 3 site as opposed to Reserved Matters details pursuant to the extant HPP. This is because the quantum of development in terms of the number of residential units has increased beyond the scope of the previous approval.

3.6 Full planning permission is sought for the demolition of existing buildings and provision of 345 residential units (Use Class C3) in 2 buildings ranging from 3-7 storeys including a 1 and 2 storey podium; 621sqm of flexible commercial floor space (Use Class A1-A5, B1, D1/D2); 1,754sqm retail floorspace (Use Class A1) podium and surface level car and cycle parking; landscaping; and associated works.

3.7 In summary, the proposed development will comprise:

- 345 new homes, of which 65 will be affordable;
- 6 north-south orientated blocks ranging from 5 to 7 storeys;
- 621sqm of flexible ground floor commercial space;
- A mix of podium and surface level parking; and
- A 1,754sqm Lidl with 79 dedicated car parking spaces.

3.8 The 6 blocks are combined to essentially create 2 buildings hereafter referred to as Building A (Parcel 3A) and Building B (Parcel 3B).

#### Building A

3.9 Building A would be sited to the south adjacent to the junction of Prestwick Road and Oxhey Drive. It would have a maximum width (north to south) of 59 metres (reducing to 57 metres for the majority of its depth) and a maximum depth (east to west) of approximately 110 metres.

3.10 Building A would comprise of 3 north-south orientated blocks (P/Q, U and K/L) connected by lower east-west elements. Block P/Q to the east would front Prestwick Road and would

be 7 storeys to Prestwick Road, stepping down to 6 storeys behind. The 7 storey element would have a maximum height of approximately 25.8 metres with a flat roof and the 6 storey element would have a maximum height of approximately 22.7 metres with a flat roof. Building A would then step down in height to approximately 8 metres for a depth of approximately 9.5 metres where it would adjoin the central block, Block U. Block U would be 5 storeys with a flat roof and maximum height of approximately 18 metres. Block U would step down in height to a 25.8 metre deep, 10.8 metre high (3 storeys) section comprising maisonettes fronting Oxhey Drive. Block L to the west would be 6 storeys with a flat roof and maximum height of approximately 21 metres.

- 3.11 Building A would comprise of a 1,794sqm Lidl supermarket to the Prestwick Road frontage with a 62 space car park to the rear accessed via Oxhey Drive (17 further car parking spaces would be provided for Lidl to the front of the building off Prestwick Road). To the west of the main Lidl car park a separately accessed 31 space residential car park is proposed, also accessed from Oxhey Drive. The car park would be centrally located, with residential units to the northern, western and southern perimeters of Building A. Further residential parking is located at first floor level and accessed via a ramp from the central road between the two buildings. The first floor car park would provide 133 residential spaces. Pedestrian access to Lidl would be via Prestwick Road to the east. Entrances to the residential elements would be provided to the northern, western and southern elevations. Fenestration is proposed to all elevations. Residential units at first floor level and above would benefit from private balconies and at ground floor level they would benefit from a small front garden.
- 3.12 In addition to private balconies, 2 landscaped podium levels are proposed within Building A, separated by the central Block U. The landscaped podiums would provide small private amenity areas for residential units at second floor level, in addition to a large communal amenity space which would be accessible to all residential units within the Blocks via a central core area. The podiums would essentially form the roof of the car parking below.
- 3.13 22 on-street residential parking spaces are proposed to the north, west and south of Building A, in addition to the 17 Lidl spaces fronting Prestwick Road to the east.

#### Building B

- 3.14 Building B would be sited to the north. It would have a maximum width (north to south) of 36.9 metres and a maximum depth (east to west) of approximately 102 metres. It would be set back a greater distance (approximately 8 metres) from Prestwick Road than Building A to the south.
- 3.15 Building B would comprise of 3 north-south orientated blocks (O, T and J) connected by lower east-west elements. Block O to the east would front Prestwick Road and would be 6 storeys with a flat roof and maximum height of approximately 22 metres. Building B would then step down in height to a 20 metre deep, 10.8 metre high (3 storeys) section comprising maisonettes. Block T would be centrally located with 5 storeys and a flat roof with a maximum height of approximately 17.5 metres. Further maisonettes would be located to the west of Block T with a total depth (east to west) of 19.8 metres and height of 10.8 metres (3 storeys). Block J to western end of Building B would have 6 storeys with a flat roof and maximum height of approximately 20 metres.
- 3.16 Building B would comprise of commercial floor space to the Prestwick Road frontage with residential car parking (71 spaces) to the rear accessed via Fairfield Avenue to the north and the new road to the south between Buildings A and B. The car park would be centrally located, with residential units to the northern, western and southern perimeters of Building B. Pedestrian access to the commercial area would be from the east and south. Entrances to the residential elements would be provided to the northern, western and southern elevations. Fenestration is proposed to all elevations. Residential units at first floor level and above would benefit from private balconies and at ground floor level they would benefit from a small front garden.

- 3.17 In addition to private balconies, 2 landscaped podium levels are proposed within Building B, separated by the central Block T. The landscaped podiums would provide small private amenity areas for residential units at second floor level, in addition to a large communal amenity space which would be accessible to all residential units within the Blocks via a central core area. The podiums would essentially form the roof of the car parking below.
- 3.18 5 on-street residential parking spaces are proposed to the west of Building B on Bridlington Road. 24 commercial parking spaces and 6 residential spaces are proposed to the east of Building B adjacent to Prestwick Road.
- 3.19 In total 371 car parking spaces are proposed comprised of 268 residential spaces (235 within internal cores and 33 on street) and 103 commercial spaces (79 spaces for Lidl and a further 24 spaces to the front of Building B. 21 motor cycle spaces are proposed within the Building cores for residential use.
- 3.20 In terms of materials, brick is the predominant material to the elevations of both buildings with changing brick colours to introduce interest. A double band of brickwork will separate the ground floor from the residential above. Patterned balconies will also add interest. With regards to the maisonettes, recessed panels and framing within the brickwork will provide articulation to the dwellings.
- 3.21 The proposed development will deliver 345 residential units, across a mix of one, two and three bedroom units. The proposed mix is set out in the table below:

Building	1B2P	2B3P	2B4P	3B+	Total
A	56	54	69	21	200
B	59	27	38	21	145
Total	115	81	107	42	345
	33.3%		54.5%	12.2%	100%

- 3.22 Of the 345 residential units proposed, 65 (19%) are proposed to be affordable as summarised in the tables below:

Size	Units
1b2p	30 (46%)
2b3p	11 (17%)*
2b4p	19 (29%)*
3b5p	5 (8%)

\* combined 2 beds 30 (46%)

Tenure	Units
Rented	33
Intermediate	32
Total	65

- 3.23 All units within the proposed development have been designed to meet or exceed the Nationally Described Space Standards and will be provided with private amenity space in the form of balconies or terraces. Communal amenity space is also provided through the provision of podium level courtyard gardens. All flats within the proposed development will meet Building Regulations Approved Document Part M4 (2), which is the equivalent of the previous lifetime homes standards provided through the Hybrid Application. Furthermore, 6 ground floor units will be provided as Part M4 (3) wheel chair adaptable.
- 3.24 In addition to a full set of plans, the application is accompanied by a number of reports/supporting documents including:
- Design and Access Statement;
  - Planning Statement;

- Transport Assessment;
- Energy and Sustainability Statement;
- Townscape and Visual Impact Assessment;
- Statement of Community Involvement;
- Viability Assessment;
- Preliminary Ecological Appraisal;
- Noise Impact Assessment;
- Air Quality Assessment;
- Flood Risk Assessment and Drainage Strategy;
- Land Contamination Assessment;
- Utilities Assessment;
- Cultural Heritage and Archaeological Assessment;
- Wind Assessment;
- Daylight and Sunlight Assessment;
- Tree Survey and Arboriculture Impact Assessment.

3.25 Amended plans have been submitted during the application which incorporate the following changes:

- The Ground floor levels in communal areas of block J have been reduced by 75mm;
- External Levels on Bridlington road at the entrance to block J have been amended to suit the ground floor levels;
- Floor to floor height has been increased by 150mm between Ground and first and first and second floors in Blocks K, L, U;
- Floor to Floor height has been increased by 150mm between Ground and first floors in Blocks P and Q;
- Parcel 3A maisonettes parapet height has been raised by 300mm;
- Hedging has been moved inside of the railings in the ground floor private gardens and bin store locations have been added to the site plan;
- All car park vehicular gates have been setback 5.5m from the back edge of the highway;
- Tail ends have been added to on street parallel parking; and
- A continuous railing has been added by the entrance to Block T, in the Parcel 3B car parking, to stop car movements between the two halves of the car park.

3.26 There has been no increase in maximum height, however, the Daylight and Sunlight Report and Internal Daylight Report and Design and Access Statement have been updated to reflect the above changes.

## 4 Consultation

### 4.1 Consultees

Affinity Water	No objection	4.1.1
Economic & Sustainable Development – Transport	No response received	4.1.2
Environment Agency	No response received	4.1.3
Environmental Health (Commercial)	No objection (conditions/informatives)	4.1.4
Environmental Health (Residential)	No objection	4.1.5

Environmental Protection	No response received	4.1.6
HCC Lead Local Flood Authority	No objection (conditions)	4.1.7
HCC Waste & Minerals Team	No objection (condition)	4.1.8
Hertfordshire Constabulary	No objection (informative)	4.1.9
Hertfordshire Ecology	No objection (conditions)	4.1.10
Hertfordshire Highways	No objection (conditions)	4.1.11
Hertfordshire Property Services	Contributions requested	4.1.12
Hertfordshire Public Health Services	Advisory comments	4.1.13
Housing Manager	No objection	4.1.14
Integrated Accommodation Commission	No comments to date	4.1.15
Landscape Officer	No objection (conditions)	4.1.16
Local Plans	No objection	4.1.17
National Grid	No objection (informative)	4.1.18
NHS England	No response received (comments from NHS Herts. Valleys submitted)	4.1.19
NHS Herts. Valleys	No objection (contributions requested)	4.1.20
Network Rail	No objection (contributions requested)	4.1.21
Thames Water	No objection	4.1.22
Watford Rural Parish Council	Objection	4.1.23

4.1.1 Affinity Water: [No objection]

4.1.1.1 Initial comments: [Objection]

Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

You should be aware that the proposed development site is located near an Environment Agency defined groundwater Source Protection Zone 1 (SPZ1) corresponding to Eastbury Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

We are writing to object to this Application because we are concerned, for the reasons set out below, that it has the potential to impact adversely the public water supply. If you are minded to approve the Application, it is essential that appropriate conditions are imposed to protect the public water supply, which would need to address the following points:

1. General: The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.

2. Ground investigation: Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

3. Turbidity: Excavations are also likely to generate turbidity in the chalk aquifer, which could travel to the public water abstraction point and cause disruption to the service. Mitigation measures should be secured by way of condition to minimise this risk. We would also want to receive at least 15 days prior notification from the developer in advance of any such works, in order to intensify our monitoring and plan potential interruption of the service. We would be willing to discuss this with the applicant to ensure that appropriate measures can be put in place.

4. Contaminated land: Construction works may exacerbate any known or previously unidentified pollution. If any pollution is found at the site then works should cease and appropriate monitoring and remediation methods will need to be undertaken to avoid impacting the chalk aquifer.

5. Infiltration: Surface water should not be disposed of via direct infiltration into the ground via a soakaway. This is due to the potential presence of contaminated land and the risk for contaminants to remobilise alongside the likelihood of surface water from the car park area to carry on oil and hydrocarbons. Both have the potential to cause groundwater pollution.

6. Drainage: Surface water from the car parking areas are likely to carry on oil and hydrocarbons. It is therefore recommended that the onsite drainage system should incorporate an oil/water interceptor which acts to prevent petrol/oil being discharged into the surface and groundwater network.

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

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

Water Efficiency: Being within a water stressed area, we would encourage the developer to consider the wider water environment by incorporating water efficient features such as rainwater harvesting, rainwater storage tanks, water butts and green roofs (as appropriate) within each dwelling/building.



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

4.1.1.2 Further comments: [No objection]

Thank you for providing the information.

We are satisfied that all our concerns have been noted.

We would be able to remove the objection providing we are sent or directed to the following documents, once they are completed:

- Phase 2 and 3 (intrusive) site investigations.
- Drainage methodology.
- Piling methodology demonstrating that the piling won't cause cross contamination.

4.1.2 Economic and Sustainable Development – Transport: No response received.

4.1.3 Environment Agency: No response received.

4.1.4 Environmental Health (Commercial): [No objection subject to conditions]

Contaminated Land:

I have reviewed the Phase 1 Desk Study & Site Reconnaissance Report prepared by Leap Environmental Ltd (Report ref. LP2047/3).

Plausible contaminant linkages have been identified that require further investigation. The consultant has recommended that an intrusive investigation be undertaken.

I would recommend the following conditions:

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

**i)** A site investigation scheme, based on the Phase 1 Desk Study & Site Reconnaissance Report prepared by Leap Environmental Ltd (Report ref. LP2047/3) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

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

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

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

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

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

The above must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

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

Air Quality:

I have reviewed the Air Quality Assessment prepared by AECOM Limited (No ref.).

The consultant reports that the results of the construction phase dust assessment indicate that, without mitigation, construction phase impacts can be described as medium to high risk with regard to dust soiling, and low risk in terms of human health. Mitigation measures can be employed to lessen nuisance and human-health impacts of dust and PM10, which can reduce impacts to a level where no significant impact will occur.

The operational impact of the development on local air quality has been assessed. The consultant states that the predicted concentrations of NO<sub>2</sub>, PM10 and PM2.5 at relevant exposure will be below the air quality objectives.

The consultant states that the impact of the proposed development in terms of the above mentioned pollutants is considered negligible. The consultant considers the application site to be appropriate for residential development.

I would recommend that conditions requiring the following be applied to any permission granted:

A CEMP (including a Construction Traffic Management Plan);

A Dust Management Plan;  
Wheel Washing;  
Provision of EV charging points.

I would suggest informatives relating to the following:

The use of Euro 6 vehicles where possible;  
Following relevant guidance such as the IAQM guidance.

4.1.5 Environmental Health (Residential): [No objection]

Having reviewed the submitted information, I have no objections to this submission as long as the recommendations of the noise assessment have been incorporated into the design to ensure that the required standards are achieved.

4.1.6 Environmental Protection: No response received.

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

4.1.7.1 Initial comments: [Objection]

Thank you for consulting us on the above full planning application for the demolition of existing buildings and provision of 345 residential units (Use Class C3) in 2 buildings ranging from 3-7 storeys including a 1 and 2 storey podium; 621sqm of flexible commercial floor space (Use Class A1-A5, B1, D1/D2); 1,754sqm retail floorspace (Use Class A1) podium and surface level car and cycle parking; landscaping; and associated works.

We understand the background of this development being part of a previous phased development. However as this has been submitted as a stand alone full planning application we have assessed and reviewed the application accordingly in line with HCC LLFAs developers guidance and SuDS policies and in accordance with the NPPF.

In the absence of an acceptable surface water drainage assessment we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

Reason

The surface water drainage assessment submitted with this application carried out by ctp consulting engineers reference A5981 dated 11 October 2019 does not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted surface water drainage assessment fails to;

1. Assess the feasibility to provide pre-development greenfield run-off rates
2. Provide surface water run-off calculations for all rainfall return periods up to and including the 1 in 100 year + climate change allowance
3. Demonstrate there will be no increase in surface water volumes
4. Demonstrate a feasible discharge location
5. Demonstrate there will be no flooding within the site from the proposed drainage scheme at and below the 1 in 30 year rainfall event, and where there is flooding above this, how this will be contained and managed within the site
6. Demonstrate who will adopt and maintain the proposed drainage scheme

Overcoming our objection

1. Whilst we acknowledge there is a significant reduction in proposed run-off rates to the existing Thames Water sewers, LPA policy and HCC Policies require the applicant to assess the feasibility of providing an overall pre-development greenfield discharge rate. If this is not technically possible an explanation should be provided with a proposed rate as close the greenfield rates as possible.

2. The micro drainage calculations provided have only been provided for the 1 in 100 year + climate change rainfall event. In order to demonstrate the proposed drainage system can cater and respond to other rainfall events, the associated calculations should be provided for the 1 in 1 year, 1 in 30year, and 1 in 100 year rainfall events.

3. The submitted surface water drainage assessment has referred to a previous FRA carried out by Brand Consulting dated 2016 for a previous outline planning application. However the size of this full application seems to differ from the previous FRA and we advise the applicant provides a surface water drainage assessment which assessing the current development for the 1.49ha site with the associated pre-development surface water calculations to establish the existing surface water run-off rates and volumes to be able to assess the potential impact of the development more accurately.

4. It is stated that a discharge rate of 10l/s will be provided which will be provided by 4 discharge locations. It is not clear as to why 4 discharge points are required and how this will be achieved and whether the adopting authority will accept this approach and rates which we assume will be below 5l/s each.

5. The submitted micro-drainage calculations show flooding of 68.2m<sup>3</sup> at A5981 Storage Volume Highway Pipe3B. It is not clear if this is storage within the pipe or if this is surface flooding. If it is the latter, an explanation of how this will be managed and attenuated within the development will be achieved without increasing flood risk to the development and the surrounding area. The applicant should also demonstrate how exceedance flows will be managed within the site to demonstrate there will be no increase in surface water flood risk to the site and the surrounding area.

6. There has been no information submitted as to how the proposed drainage scheme will be maintained and who will be responsible for its maintenance for its lifetime. This may affect the feasibility of the drainage scheme if this cannot be agreed and achieved.

We are not able to comment and assess the proposed drainage scheme and the use of the proposed SuDS in detail as the submitted drainage strategy drawings contained in appendix C are not legible. Please can the applicant submit an alternative format of drawings so when you zoom into read the drawings the text and diagrams are legible.

The applicant can overcome our objection by submitting a surface water drainage assessment which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of a surface water drainage assessment will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the surface water drainage assessment. We will provide you with bespoke comments within 21 days of receiving formal reconsultation. Our objection will be maintained until an adequate FRA has been submitted.

For further advice on what we expect to be contained within the FRA to support an outline planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's policies on SuDS in Hertfordshire.

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

#### 4.1.7.2 Further comments: [Objection]

Thank you for re-consulting us on the above full planning application for the demolition of existing buildings and provision of 345 residential units (Use Class C3) in 2 buildings ranging from 3-7 storeys including a 1 and 2 storey podium; 621sqm of flexible commercial floor space (Use Class A1-A5, B1, D1/D2); 1,754sqm retail floorspace (Use Class A1) podium and surface level car and cycle parking; landscaping; and associated works.

We previously objected in our letter dated 12 December 2019 raising the following points of objection;

1. Assess the feasibility to provide pre-development greenfield run-off rates
2. Provide surface water run-off calculations for all rainfall return periods up to and including the 1 in 100 year + climate change allowance
3. Demonstrate there will be no increase in surface water volumes
4. Demonstrate a feasible discharge location
5. Demonstrate there will be no flooding within the site from the proposed drainage scheme at and below the 1 in 30 year rainfall event, and where there is flooding above this, how this will be contained and managed within the site
6. Demonstrate who will adopt and maintain the proposed drainage scheme

Based on the updated Flood Risk Assessment carried out by CTP Consulting Engineers reference A5981 Rev F3 (updated on 31 Jan 2020) and covering letter dated 31 January 20120, we are not in a position to remove our objection to points 4, 5 and 6 and provide the following comments below;

#### Overcoming our objection

1. A pre-development greenfield run-off rate of 8.1l/s has been calculated as requested and it has been concluded that this cannot be achieved in order to provide sufficient attenuation and gravity system. We therefore accept the proposed discharge rate of 10l/s and are able to remove our objection to this point.
2. The micro drainage calculations have been carried out for all rainfall return periods as requested and this has demonstrated that the proposed drainage scheme can function during all rainfall scenarios. We are able to remove our objection to this point.
3. The FRA has been updated to reflect the current proposals under the new full planning application and it has been confirmed that there is no increase in impermeable area from the previously agreed Outline Planning Permission and there is no increase in impermeable area from the existing brownfield site. We are able to remove our objection to this point.
4. It is stated that a discharge rate of 10l/s will be provided which will be provided by 4 discharge locations. It has been clarified that in order to provide the required attenuation and gravity system, multiple outfalls are required. Two of these are already existing Thames Water connections. The other 2 are new connections. The expectation is that Thames Water will adopt these connections under a Section 106 agreement. However as per our previous comments, we raised concerns regarding whether Thames Water will adopt these connections due to the low discharge rates which will be below 5l/s. Whilst we acknowledge a Section 106 agreement is not obtained at this stage, an in principle agreement with Thames Water should be confirmed. If they are not able to adopt the connections, this may

result in the drainage strategy becoming unviable. We are therefore not in a position to remove our objection on this point.

5. The submitted micro-drainage calculations show flooding of 68.2m<sup>3</sup> at A5981 Storage Volume Highway Pipe3B. It has been confirmed that this is a surcharge within the drainage system and not on surface flooding. It has been clarified in the letter form CTP that there will be a 0.1m<sup>3</sup> volume of flooding above the 1 in 100 year + climate change rainfall event and that this can safely be contained within the road and kerbs. Once this area is shown on a drainage plan of the site we will be in a position to remove our objection to this point.

6. The updated FRA has included a proposed outline maintenance plan for the proposed drainage scheme and a detailed maintenance plan can be conditioned. A drawing has been provided showing who will be responsible to adopting which parts of the drainage system. However those parts of the drainage system that are proposed to be adopted by Thames Water, the applicant should provide an in principle agreement to ensure the drainage scheme is viable as per point 4.

The applicant can overcome our objection by submitting a surface water drainage assessment which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of a surface water drainage assessment will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the surface water drainage assessment. We will provide you with bespoke comments within 21 days of receiving formal reconsultation. Our objection will be maintained until an adequate FRA has been submitted.

For further advice on what we expect to be contained within the FRA to support an outline planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's policies on SuDS in Hertfordshire.

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

#### 4.1.7.3 Further comments: [No objection subject to conditions]

Thank you for re-consulting us on the above full planning application for the demolition of existing buildings and provision of 345 residential units (Use Class C3) in 2 buildings ranging from 3-7 storeys including a 1 and 2 storey podium; 621sqm of flexible commercial floor space (Use Class A1-A5, B1, D1/D2); 1,754sqm retail floorspace (Use Class A1) podium and surface level car and cycle parking; landscaping; and associated works.

We previously objected in our letter dated 24 February 2020 raising the following remaining points of objection (points 1-3 have previously been addressed);

4. Demonstrate a feasible discharge location 5. Demonstrate there will be no flooding within the site from the proposed drainage scheme at and below the 1 in 30-year rainfall event, and where there is flooding above this, how this will be contained and managed within the site 6. Demonstrate who will adopt and maintain the proposed drainage scheme

Based on the information provided within the letter dated 25 February 2020 and attached e-mails from Thames Water dated 20 October 2015 we are in a position to remove our objection to points 4, 5 and 6 and provide the following comments below;

4. The e-mail dated 20 October 2015 from Thames Water confirms that they are satisfied with the proposed discharge rates and surface water arrangements.

5. The information regarding exceedance surface water flooding has been provided and demonstrated it can be safely contained within the proposed development site.

6. The e-mail dated 20 October 2015 from Thames Water confirms they are satisfied with the proposed surface water arrangements.

We therefore recommend the following conditions to the LPA should planning permission be granted:

#### LLFA position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the surface water drainage assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

#### Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment dated 11 October 2019 reference A5981 Rev F3 carried out by ctp consulting engineers and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the development so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding offsite for all rainfall events up to and including the 1 in 100 year + climate change (40%) event. 2. Provide an overall discharge rate of 10l/s controlled via a hydro-brake split across 4 discharge connection points into the existing Thames Water surface water drainage system. 3. Provide at least 904.2m<sup>3</sup> surface water attenuation within tanked permeable paving with a granular subbase within the car parking areas and footways as shown on the drainage layout drawing A5981-1500 Rev P1 within Appendix D of the surface water drainage assessment. 4. Maintenance carried out in accordance with the SuDS maintenance plan included within the surface water drainage assessment.

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

#### Reason:

1. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to the surrounding area. 2. To prevent flooding by ensuring the satisfactory disposal of surface water from the site. 3. To prevent flooding by ensuring the satisfactory storage of surface water from the site. 4. To ensure the operation of the SuDS and associated surface water drainage infrastructure for the lifetime of the development to prevent flooding to the site and the surrounding area.

#### Condition 2

No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the

submitted surface water drainage assessment dated 11 October 2019 reference A5981 Rev F3 carried out by ctp consulting engineers. The scheme shall also include:

1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
2. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features such as lined permeable paving.
3. Provision of half drain down times within 24 hours
4. Silt traps for protection of any residual tanked elements

Reason:

To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site

Condition 3

Upon completion of the drainage works for the site in accordance with the timing / phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority:

1. Provision of a verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme). The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and the control mechanism.
2. Provision of a complete set of as built drawings for site drainage.
3. A management and maintenance plan for the SuDS features and drainage network.
4. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Informative to the LPA

We would recommend the LPA obtains a management and maintenance plan, to ensure the SuDS features can be maintained throughout the developments lifetime. This should follow the manufacturers' recommendation for maintenance and/or guidance in the SuDS Manual by Ciria.

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

#### 4.1.8 HCC Waste and Minerals Team: [No objection subject to conditions]

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

Waste

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



In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

Most recently, the Department for Communities and Local Government published its National Planning Policy for Waste (October 2014) which sets out the following:

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

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

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy; Policy 2: Waste Prevention and Reduction; & Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the District Council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at: <http://www.smartwaste.co.uk/> or <http://www.wrap.org.uk/category/sector/waste-management>.

For a development of this scale the county council would request detailed information to be provided within a SWMP or Circular Economy Statement by condition. The SWMP should cover both waste arisings during the demolition and construction phases. The waste arising from construction will be of a different composition to that arising from the demolition. As a minimum the waste types should be defined as inert, non-hazardous and hazardous.

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

removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.

It is noted that the Sustainability Compliance Statement (October 2019) submitted alongside the application states that, "a Site Waste Management Plan will be produced.", however none has been provided.

SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the District Council.

#### 4.1.9 Hertfordshire Constabulary: [No objection]

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

**Layout:** No concerns, it is a town centre location, gates and fences are not required for this development.

##### **Communal door sets:**

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

##### **Access Control to block of flats:**

Audio Visual access control system. Tradespersons release buttons are not permitted.

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

Communal postal boxes within the communal entrances, (Preferably covered by the CCTV) or each flat will have post delivered to it via a letter plate fitted in each flat's door, with the local Post Office being given an access fob.

##### **Individual front entrance doors of flats**

Certificated to BS PAS 24:2016

##### **Windows: Flats**

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

##### **Dwelling security lighting (flats):**

Communal entrance hall, lobby, landings, corridors and stairwells, and all entrance/exit points.

##### **Bin stores and Waste collection:**

The access doors to these should be to LPS.1175(min SR2), or BS PAS 24: 2016.

##### **Car Parking:** Require controlled Access **either gates or roller shutters**

##### **CCTV**

Owing to the location and size of the build CCTV would be preferable on this site.

##### **Compartmentalisation of Developments incorporating multiple flats.**

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

- . **Controlled lift access**, Fire egress stairwells should also be controlled on each floor, from the stairwell into the communal corridors.
- . **Dedicated door sets** on each landing preventing unauthorised access to the corridor from the stairwell and lift Secured by Design recommends no more than 25 flats should be accessed via either of the access control methods above.

#### 4.1.10 Hertfordshire Ecology: [No objection subject to conditions]

The proposed development comprises the demolition of existing buildings within a heavily urbanised environment and their replacement with residential and commercial development. This forms part of the long-term redevelopment of this area.

The application is accompanied by the 'South Oxhey Initiative – Phase 3 Preliminary Ecological Appraisal' (PEA) and Bat Activity Survey (both AECOM, both October 2019)

which together confirm that the application site in its current format supports limited biodiversity interest. Section 7 of the PEA, along with the Design and Access Statement recommends a range of modest measures to ensure no overall net loss in biodiversity within the application site. Overall, these are reasonable and proportionate for these particular circumstances but, there is no guarantee that they will be delivered. Therefore, **the production of an Ecological Management Plan (or similar) based on the recommendations made should be secured by condition or similar.**

Elsewhere in the PEA, it is disappointing that AECOM did not assess the impact of recreational pressure from new residents on the Local Nature Reserves (LNRs) and Local Wildlife Sites (LWSs) nearby. These typically experience heavy trampling pressure and increases in the local population can only be expected to harm the condition of these protected sites even more. However, as the new dwellings largely replace existing homes the impact can be regarded as relatively neutral and no further measures are necessary. It should, however, have been evaluated by the developer's consultants.

Specifically in terms of bats, the report acknowledged that the activity surveys were carried out outside the optimal bat emergence survey season and, furthermore, that none of the surveys was fully completed for a variety of reasons. It is disappointing that the consultants did not carry out the surveys earlier in the year and/or simply return on a more favourable night to complete the work in September. However, sufficient evidence is presented to conclude that the likelihood of any bats being reliant on the existing buildings for roosts or shelter is low, as suggested by the report

To address these limitations, the bat report did suggest a number of general and specific measures (including further surveys) to avoid bats being harmed and offences being committed. Note that these related to a planned demolition date of May 2020. Given that consent has not yet been granted, this date is now regarded as unlikely and so, for simplicity, **the following measures are regarded as proportionate and should again be secured by condition or similar:**

- Ideally, demolition should take place outside the active bat season (note that the consultants suggested this should be between September and April but this is considered too lax and I recommend that this should be restricted to the months of October to March inclusive);
- If demolition takes place in May 2020 as planned or between the months of April to September inclusive, the destruction of the potential roost features identified in Table 1 of the Bat report should proceed only under the supervision of a suitably qualified, experienced ecologist. Should evidence of bats be found, work must cease immediately.

I do not consider that the further repeat surveys are necessary given the type of buildings, their location, the modest number of bat records in the surrounding landscape and the evidence collated so far.

Provided the two conditions are adopted, there would be no other ecological constraints.

4.1.11 Hertfordshire Highways: [No objection subject to conditions]

4.1.11.1 Initial comments: [Objection]

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

1) The application fails to demonstrate that the provision of 6 new points of vehicular access onto public highway is safe with appropriate visibility, kerb radii, nor have the effects on

safety within Bridlington Road through loss of pedestrian crossing facilities been considered contrary to Policy 5 of the Hertfordshire County Local Transport Plan 4.

2) Development proposals fail adequately to provide for the needs of pedestrians, including those with mobility impairments, particularly in terms of opportunities for safe crossing points contrary to Policy 1 of the Hertfordshire County Council Local Transport Plan 4.

3) Development proposals fail to provide adequate cycle parking and cycle infrastructure contrary to Policy of the Hertfordshire County Council Local Transport Plan 4.

**Comments:**

The County Council, as Highway Authority, recognise that there exists a hybrid planning application (district reference 16/0005/FUL) for the phased comprehensive development of this site to provide a residential led mixed use development. This consented hybrid application provided 514 residential units, and 5137m<sup>2</sup> of town centre uses (retail etc). The Highway Development Management response to this hybrid application was provided 09/02/2016.

It is understood that Phase 1 of the development, forming part of the initial hybrid application provided 140 of the residential units, and has been completed. Phase 1b (district reference 16/2040/AOD) provided 1972m<sup>2</sup> of town centre use space, with arrangements for the public realm – the Highway Authority responded to this consultation in its response dated 17/11/16.

Phase 2 of the development (district reference 17/1436/AOD) to which HCC responded 15/8/17, provided for a further 174 of the residential units and construction of 730m<sup>2</sup> of town centre use floor space. At this time the form of the link road through the development, linking Prestwick Road and Bridlington Road, was agreed. The s278 governing the highway works forming this has been agreed (s278, HCC, Countryside Properties and TRDC dated 14/1/2019 refers)

Recognising the above, there remains 200 residential units of the outline consent to be built, and in terms of the town centre use, a total of 2435m<sup>2</sup> of space to be delivered.

It is understood that this application represents a new application (instead of reserved matters) and seeks to obtain permission to construct, in place of the remaining consented development, a total of 345 residential units and 2,375m<sup>2</sup> of retail use.

Development proposals therefore represent an additional 145 dwellings above that previously accepted by the Highway Authority. The change to retail floor area, whilst reduced, is nominal.

The planning application is submitted supported by a Transport Assessment prepared by Markides Associated (dated October 2019).

The site represents the SE element of the area considered South Oxhey Central, being bounded to the north by the new link road through the development (see above), Prestwick Road (and the Parade (service road parallel to Prestwick Road) to the east, Oxhey Drive to the south and Bridlington Road to the west.

Oxhey Drive is an unclassified road providing a local distributor function within the road network, subject to 30mph limit, and serves as a bus route.

Prestwick Road is a classified road (B4542) servicing a secondary distributor function within the road network, subject to 30mph limit, and serves as a bus route. Parallel to Prestwick Road is the Parade. A service road providing on-street parking, accessed from mini-roundabout junction of Oxhey Drive with Prestwick Road. Presently The Parade is adopted

highway for its' length, subject to one way restrictions. Formerly this route provided exit direct onto Fairfield Avenue. Such an arrangement remains, but the northern end of the Parade is proposed as the town centre parking (30) spaces. It is unlikely that the Highway Authority shall adopt any area of car parking in this area, and therefore development proposals will require stopping up orders to be submitted.

The Parade shall therefore link to the new southern link road, with egress onto Bridlington Road (it is proposed that the new southern link road shall be one way only) (eastbound). Bridlington Road is an unclassified road providing a local access function only. Bridlington Road is subject to a one-way restriction (southbound only) and provides on-street parking within remaining carriageway width.

The site is bounded to the north by the new link road comprising phase 2. Such road is subject to S38 adoption agreement. A new access shall be provided to provide access to ramped structure leading to residential parking at first floor, 164 car parking spaces are provided at this level.

The applicant is directed to note that the ramp is to not to be adopted, nor assessed by the HA for compliance, it is recommended that all ramps (vehicular) comprising the development are compliant with the recommendations of the IStructE guidance on Multi-storey and underground car parks, in terms of gradient as well as, as necessary widths and transition ramps.

### **Access(es)**

A number of access points are provided around the perimeter of the site, three are direct onto Oxhey Drive, with a new – one-way link road being provided between Bridlington Road and Prestwick Road (junctions as necessary) and then an access from the new Link Road (17/1436/AOD).

Of the three access points from Oxhey Drive, the first – located a short distance opposing Seacroft Gardens is slightly relocated from its' existing point, moving closer to the junction with Seacroft Gardens. Presently this is adopted highway, providing rear access and servicing to the Pennard House, with areas of parking (beyond the limits of adopted highway. As proposed this access shall serve residential parking beneath block J/K (31 spaces). Access shall be gated. Gates are shown (SOC-BPTW-ZZ-00-DR-A-0130 rev C01) as situated 4.8m from back edge of highway. This is unacceptable, with gates being required to be a minimum 5.5m from the highway ensuring all vehicles may draw fully clear of the highway whilst gates operate. It is recognised that there is a Masterplan for the entire site (agreed as part of the original Outline consent) however this access was not within this Masterplan.

This access is already beneath the junction offset identified within table 4.1.1.1 of the County Councils Design Guide – Roads in Hertfordshire 3rd Edition Section 4 – Design Standards and Advice. The proposals locate the junction even closer, and may give rise to confusion between vehicles following a vehicle as to intent to turn. The potential risk associated has not been subject to Safety Audit.

A second access onto Oxhey Drive provides access to LIDL car parking (Parcel 3a) providing 62 parking spaces. Internal parking arrangement appears workable. No gated access is shown.

Third access provides servicing to the retail food use proposed. This access is ramped. (downwards from carriageway). Such use shall require vehicles to reverse from Oxhey Drive into the site in order to be correctly oriented for loading / unloading. Ramp of access appears to be no greater than 1:10. Access shall be gated. Gates are shown (SOC-BPTW-ZZ-00-DR-A-0130 rev C01) as situated 4.8m from back edge of highway. This is

unacceptable, with gates being required to be a minimum 5.5m from the highway ensuring all vehicles may draw fully clear of the highway whilst gates operate. Such distance is insufficient for delivery vehicles.

Such a strategy (framework) is submitted (Framework Delivery and Servicing Management Plan – October 2019 (Markides Associates). Broadly it is acceptable, and assigns responsibilities to oversight of deliveries etc. There are elements that could be strengthened e.g. use of banksmen etc, but does describe load consolidation to reduce deliveries, booking systems etc. Such a strategy should be secured by way of s106 to any scheme found acceptable.

A new access is provided to serve a new link road through the development. This will link Bridlington Road and Prestwick Road, with The Parade accessed from this. This new access shall be onto Prestwick Road. Whilst the application describes that this shall be one way, and swept plans suggest that it is inbound from Bridlington Road and out onto Prestwick Road, there is no safety audit for either interface, nor any detail on the proposed one-way system.

All swept paths for junction of the new southern link road (drawing 19173-01-010 and 19173-01-010 Rev -) show that for all vehicles using this egress (private car, HGV, Refuse vehicle) require the full width of Prestwick Road (2 way road), introducing conflict with oncoming vehicles. AM peak modelling (Appendix M to the TA) identifies that there shall be 26 northbound departures from this point, representing the above unacceptable conflict occurring regularly within the peaks. Such flows represent traffic associated with the additional uplift of housing on hybrid numbers.

The applicant should note that irrespective of any grant of consent, the Traffic Regulation Order necessary to enable the enforcement of one-way working is subject to a separate public consultation, and therefore the success (or otherwise) of consultation on this would represent the potential requirement for a Grampian style condition.

The Highway Authority would present that the introduction of a new access onto Bridlington Road occurs at a point in close proximity to inset parking, and proposed planting. No details on the associated visibility splays are provided.

The introduction of an egress from the one-way system onto Bridlington Road forces the removal of the raised table pedestrian crossing (163m (approx.) north of junction of Bridlington Road / Oxhey Drive. The removal of this raised table feature firstly prejudices the ability for pedestrians to cross Bridlington Road in a safe manner. It is recognised that there appear to be breaks between groups of inset bays of 1.8m. These may be proposed as providing pedestrian permeability to kerb face for crossing, however no detail is shown in terms of provisions for persons with a mobility impairment.

Further, the one way nature of Bridlington Road, with inset parking and carriageway width of circa 3.9m for its' length, with the removal of raised table crossing point which serves as a speed reducing feature has the potential for vehicle speeds within Bridlington Road to increase, prejudicial to safety of other road users.

The interface of The Parade with the new Southern Link Road does not appear to have been designed in a manner that prevents vehicles from turning right, contrary to the proposed one-way system.

2 vehicle accesses are proposed within the new Southern Link Road – one serving residential parking (block j), providing 40 car parking spaces (however note that there exists no physical barrier between parking to blocks J and T) except when parking spaces between two spaces are occupied)

The interface of the southern Link Road through this development with Bridlington Road is provided with a carriageway width of 6m (2 way road) for its' first 27m. The residential car park entrance (block J) is a further 16m east of this point. The differing road widths has the potential for vehicles departing blocks parking to ignore one way provision. Further the bellmouth interface at the junction with Bridlington Road is poorly designed, as opportunities exist to reduce bellmouth width, noting that vehicles would be expected (subject to design of the one-way system) to enter only from Bridlington Road. No provision is included for pedestrians across this access.

A final access to block T car parking is proposed from the Northern Link Road providing access to car park (29 car parking spaces (however note that there exists no physical barrier between parking to blocks J and T) except when parking spaces between two spaces are occupied)

The applicant shall be required to note that the Parade from junction roundabout Prestwick Road / Oxhey Drive shall be required to remain Public Highway, in order that the TRO maintaining northbound one-way only be enforceable, otherwise the proposals shall introduce risk of vehicles exiting onto the mini-roundabout junction which has not been subject to safety audit (RSA stg 1).

Hertfordshire County Councils Design Guide (Roads in Hertfordshire 3rd Edition) identifies that where a development includes a new access to the public highway, HCC will need to be satisfied that this is safe in terms of location and geometric design features before acceptance of the highway features of the application can be recommended to the LPA.

To be so satisfied, an 'interim' or 'Stage 1' safety audit (as defined in HD19/03) may be required by HCC, dependant on the nature of the junction(s) proposed and the nature of the planning application.

For the reasons set out herein it is necessary for the number of junctions proposed to be supported by a stage 1 safety audit.

### **Highway Layout**

A new access is provided to serve a new link road through the development. This will link Bridlington Road and Prestwick Road, with The Parade accessed from this. This new access shall be onto Prestwick Road. Whilst the application describes that this shall be one way, and swept plans suggest that it is inbound from Bridlington Road and out onto Prestwick Road, there is no safety audit for either interface, nor any detail on the proposed one-way system.

The applicant should note that irrespective of any grant of consent, the Traffic Regulation Order necessary to enable the enforcement of one-way working is subject to a separate public consultation, and therefore the success (or otherwise) of consultation on this would represent the potential requirement for a Grampian style condition.

The use of swept path tracking demonstrates that vehicles along the length of this route are able to negotiate the necessary routing. A delivery bay to serve the commercial use within Parcel 3b is provided to a length of 25m. Tracking (19173-01-014 / 19173-01-010) demonstrates that the route is accessible by Refuse and Rigid delivery vehicles. No tracking is provided for Articulated lorries, and the Delivery Management Plan (Framework) nor TA provides any evidence that the nature of the retail use proposed would not require such attendance.

Footways are provided at 2m. Raised table treatment is provided. The interface of the southern Link Road through this development with Bridlington Road is provided with a

carriageway width of 6m (2 way road) for its' first 27m, however the rationale for this is unclear. The remainder of the route is 3.75m.

The County Councils design guide (Roads in Hertfordshire) directs that it is essential to ensure that cyclists are allowed permeability through the road network, therefore, contraflow lanes should always be provided on any one-way streets (Section 4 – Design Standards and Advice Chapter 12 – Cycling Facilities, 12.7.7). This is not provided.

### **Trip Rates**

The TA presents the previously agreed predicted vehicle trip generation from the 2016 application. Such trip generation, as predicted by TRICS, was agreed by the HA at this time. I am satisfied that the re-use of predicted trip rates is acceptable, and do not comment further on the methodology or site selection used.

The TA applies vehicle trip generation to the uplift of 145 dwellings (noting that the HA has previously accepted the other 200 (unbuilt as part of the 2016 consent). It is therefore predicted that the development shall give rise to an additional 21 outbound and 7 inbound vehicle trips in the AM peak, and similar, but opposing, level of vehicle trips in the PM peak. The change in retail floor area (over that previously consented, and remaining unbuilt of the hybrid application) is 60m<sup>2</sup> less. For such reason, the development proposals shall represent no material change in trips to that previously agreed.

The TA directs traffic on a distribution as previously agreed. Review of Appendix M (Proposed Development Flows) appears appropriate. Such flows have been increased through use of TEMPRO growth factors to 2024 future year.

Junction capacity modelling for each junction demonstrates that reserve flow capacity, in future year with development remains within appropriate limits. Such modelling considers junctions previously accepted for need of modelling in the previous application, and deemed acceptable.

Oxhey Drive junction with Prestwick Road is seen to approach capacity in the PM peak. As identified elsewhere within this recommendation, it remains necessary to highlight that it shall need to remain subject to enforceable one way working in order that the predicted traffic distribution at this junction is robust.

### **Parking**

Bridlington Road is subject to a one-way restriction (southbound only) and provides on-street parking within remaining carriageway width. Raised tables exist presently midway, and each end, providing speed restraint and providing level points to cross Bridlington Road.

Presently (within Bridlington Road for extent of the red line of the site) there is onstreet inset parking of 85m linear length, representing space for 14 vehicles to park. As proposed, bays are split, with provision for upto 12 vehicles (loss of 2).

Whilst bays are shown as 6m in length, they are not provided with 'tails' on approach departure, and therefore use of bays either end shall be restricted. Bays should be provided with appropriate entry / departure tails and therefore the parking design shall be required to be subject to further review as part of detailed technical design approval for highway works. Manual for Streets directs that for bays of 6m x 2m parallel to direction of movement there is a requirement to enable vehicles to enter / leave through such provision.

To review the form of bays (as part of any technical design approval for highway works) shall reasonably further result in loss of parking that the LPA shall wish to consider, unless swept path demonstrates that all bays can be accessed without undue difficulty.



Alternatively, planting as shown within Bridlington Road (trees) shall need to be omitted to provide splays. Note – the applicant should be directed to recognise that for all trees to be located within the public realm their type shall be to the Highway Authorities requirements and should not compromise visibility, and shall need to be provided within appropriate tree pits. A commuted sum shall be required for all such arrangements.

Note – whilst in an area that the Highway Authority shall not consider adopting, swept paths for block T car parking (accessed from the northern link road) as shown on drawing 19173-01-010 rev – (TA appendices) identifies conflict between private vehicles entering / leaving at the same time.

It is recognised that the 2016 hybrid application proposed 140 parking spaces across all phases dedicated for the retail / town centre uses. It is understood that 34 permanent spaces have been provided as part of the already implemented Station Square development.

This application therefore seeks to provide 103 town centre parking spaces by way of 79 town centre spaces for Lidl (62 internal and 17 fronting Prestwick Road) and 24 town centre retail spaces.

It is necessary to note that since the 2016 application the Highway Authority has replaced its' Local Transport Plan 3 with Local Transport Plan 4. Fundamental to the new Policy is encouraging even greater mode shift towards sustainable forms of transport, as well as introducing our road user hierarchy. The LPA are, ultimately, responsible for the implementation of local parking standards, however every opportunity shall need to be undertaken to maximise convenience and attractiveness of the development for non-motorised traffic. Presently development proposals fail to provide any dropped kerb transitions (with tactiles) at any junctions, reducing comfort and convenience for pedestrians around the site. This would need to be resolved as part of any detailed technical design. Matters concerning adoption shall need to be resolved through s278 / 38 (and associated stopping up orders), however the Highway Authority would be unlikely to wish to adopt areas of public car parking.

As an observation disabled parking within The Parade involves persons with a mobility impairment having to cross the road, and access the vehicle from behind parked cars. BS8300 : Design of buildings and their approaches to meet the needs of disabled people : code of practice suggests that approaching vehicles without such route is preferable.

### **Pedestrian Provision**

Footways around the site are provided at 2.5m in width, however, balcony structures are provided over and therefore such routes cannot be considered for adoption.

### **Cycle provision**

Cycle parking is described as being provided to for the retail at a level of 18 short stay and 7 long stay. The Highway Authority would observe that cycle spaces adjacent to Block Q entrance interfere with pedestrian access at this location. Alternative location should be found.

For the residential element it is described that 178 cycle parking spaces for the 345 dwellings shall be provided, representing circa 0.5 spaces per dwelling. It is recognised that this respects that agreed as part of the 2016 application.

Whilst it is noted that HCC, as Highway Authority, as part of the original hybrid application simply identified that the cycle parking provision will be required to be provided in

accordance with the Three Rivers District Council Local Plan, Development Management Policies, Local Development Document (Adopted July 2013). The level of provision will ultimately be decided by Three Rivers District Council and raised no objection in principle at that time.

I note that the Development Management Policies, Local Development Document (Adopted July 2013) direct that cycle parking for C3 residential shall be provided at a ratio of 1 long term space per dwelling. The County Councils Local Transport Plan 4 directs that it shall expect the design of proposals to reflect the LTP Transport User Hierarchy and encourage movement by sustainable transport modes and reduced travel demand (Policy 5). The significant shortfall in cycle parking beneath Local District standards shall prejudice the ability for residents to elect to use alternatives to the private motor vehicle contrary to Policy 1 of our LTP4.

The LPA are directed to review their (2016) decision in respect of cycle parking. The Transport Assessment directs that the previous consent is a material planning consideration, however the LPA are directed to determine – on balance – whether this outweighs its' own DPD standards.

### **Travel Plan**

The application is supported by a Framework Travel Plan. For any scheme found to be acceptable, the Highway Authority would direct that this would need to be secured by way of a S106 planning obligation. Such a Travel Plan should be secured against the requirements of the County Councils Travel Plan Guidance. This directs that the HA would expect a Monitoring and Support Contribution to the value of £6,000 however I note that such a contribution was erroneously not sought by the HA previously.

### **Public Realm**

Proposals include planting along Prestwick Road boundary. Such planting (trees') has the potential to interfere with visibility splays necessary at junctions of northern link road (view south), southern link road (view north / south) and to vehicles approaching Oxhey drive from Prestwick Road from the north.

Trees' are proposed either side of all accesses proposed on Oxhey Road with no evidence of impacts on visibility splay.

The Highway Authority recognises within its' Street Tree Policy and Guidance that highway tree stock contributes to people's health and wellbeing, a sustainable natural environment, carbon reduction and Hertfordshire's landscape, thereby supporting LTP4 but their provision must not compromise the safety of road users. The application has failed to consider such matters.

Presently, by reference to ground floor plan there exist many pedestrian access points that open out from the site. Dependent on extent of areas for adoption, no door should open outwards over the footway (excepting emergency only) given risk of obstruction / injury to pedestrians.

### **Adoption**

Presently, by reference to ground floor plan there exist many pedestrian access points that open out from the site. Dependent on extent of areas for adoption, no door should open outwards over the footway (excepting emergency only) given risk of obstruction / injury to pedestrians.

The Parade (southern element) shall be required to remain highway maintainable at public expense to maintain one way traffic management order unless safety audit and junction amendments can be presented that demonstrate vehicles departing onto junction of Oxhey Drive / Prestwick Road shall be acceptable.

Flats on all flanks of both blocks feature balcony's. The Highway Authority is unlikely to adopt any area as highway that is beneath a oversailing structure (such as balcony's). Such advice has been communicated before.

### **Accessibility**

The bus stops and services available are accurately identified in the TA and there are several within 200m.

In relation to available services, routes 8 and W19 have the most regular timetables. Both give access to central Watford (8 Abbots Langley-Mount Vernon - Mon-Sat x2hr, Sun hrly, W19 Watford-Carpenders Park - Mon-Sat hrly, no Sun). The R17 and R17 routes are mentioned but these have only very limited services.

The combination of the central location, adequate bus services and proximity of Carpenders Park station make this potentially a sustainable site. There is scope for bus stop infrastructure upgrades close to the site – the stop on Oxhey Drive outside the site has a shelter, but no easy access kerbing (£8000). The stop for services in the opposite direction (Stop C, Prestwick Rd) would be difficult to upgrade with easy access kerbing but would benefit from a display screen (£10,000).

For any scheme subsequently found to be acceptable, a planning obligation in respect of the above should be sought.

As a framework Travel Plan it correctly sets out a range of measures that would be implemented across the site. The following information is still outstanding - interim co-ordinator contact, statement of senior commitment, Travel Plan steering group frequency, estimated frequency the TPC will be on site, Travel Pack contributions, evaluation and support fee.

South Oxhey Central is located immediately adjacent to the Carpenders Park railway station. Carpenders Park is part of the London Overground rail network and provides connections to Central London and Watford.

There are a number of bridleways and footpaths in the vicinity of the development including Bridleway 17, which provides connections from Prestwick Road. Footpath 11 which is located to the west of land at Maylands Road and connects Gosforth Lane to Oxhey Drive in close proximity to St Joseph Catholic Primary School. Footpath 8 is located on Woodhall Lane, south of the Oxhey Drive/Woodhall Drive Junction.

As 'public realm' (elsewhere this response), whilst footways are provided throughout the development to a minimum width of 1.8m such routes are oversailed by balcony's. Whilst such oversailing within southern link road would simply prohibit the adoption of the road, those balcony's oversailing Bridlington Road, the northern link road and Oxhey Drive are unacceptable as they shall oversail the highway. Further – balcony's on the northern face of Parcel 3b shall be closer to the kerb face than 0.4m. Whilst balconies are first floor and above, balcony in vicinity of north link road and Bridlington Road is less than 3m above footway level.

Prestwick Road provides off-road cycle provision. (east). Whilst there is a toucan crossing some 170m north of the site, there is limited effort at integrating the site with this route.

Three Rivers Council has a community infrastructure levy and contributions towards local transport scheme will be sought via CIL if appropriate.

## Conclusion

Development proposals include the introduction of 6 new points of access from public highway and repositioning of 2 existing points of access. No Road Safety Audit stage 1 is submitted to demonstrate that the access points are appropriate.

Submitted details provide concerns that highway design shall lead to vehicles turning from the site in a manner that introduces potential for conflict with approaching vehicles. Development proposals remove pedestrian crossing provision (informal) within Bridlington Road and fail (in the absence of appropriate RSA) to consider the impacts on vehicle speeds and safety of users of the public highway.

The impact of proposed street trees on visibility from points of access is not assessed. Gated access points shall give rise to vehicles entering the site to block the free and safe flow of pedestrians whilst gates operate, and therefore shall need to be suitably relocated such that private motor vehicles may draw fully clear of the public highway.

### 4.1.11.2 Further comments: [No objection subject to conditions]

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:

- 1) Prior to the first occupation details of additional offsite highway improvement works, to include;
  - those measures as shown on drawings 19173-01-017 (raised table at the junction of the new link road with Bridlington Road);
  - Amendments to parking adjacent to the loading bay on the Southern Link Road;
  - Amendments to parking north side of southern link road
  - Provision of tactile paving at all crossing points
  - measures to encourage and maintain low vehicle speeds within the Parade
  - improvements to local bus stops to include Kassel kerbing and real time passenger information displays

Shall be submitted for approval in writing, and such works shall be completed in accordance with the approved details.

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

- 2) Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the drawing 19173-01-016 rev B. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway. Any planting in such splays to be subject to approval by the Highway Authority.

Reason: In the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

3) No works other than Ground Works and Site Preparation Works and Advanced Infrastructure Works shall take place until there has been submitted to, and approved in writing by the Local Planning Authority, a full scheme of site landscaping which shall include the location of all existing trees and hedgerows affected by the proposed development, including details of those to be retained and tree protection measures, full details of trees to be planted (including species and size, specification, location, timing of planting)

All landscaping works required by the approved scheme shall be carried out in accordance with an implementation programme to be agreed in writing by the Local Planning Authority before development commences and shall be maintained, including the replacement of any trees or plant which die, are removed, or become seriously damaged or diseased in the next planting season with others of a similar size or species.

Reason: in the interest of air quality and a sustainable natural environment in accordance with Policy 20 (Air Quality) and Policy 21 (Environment) of Hertfordshire Local Transport Plan (adopted 2018)

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

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and any temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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

#### Advisory notes

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

AN1) The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN4) The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN5) The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN6) The development shall not begin unless and until highway rights have been extinguished across the area of land fronting existing shops, in accordance with a stopping up order to be made by the Secretary of State for Transport, Government Office for the East of England, under Section 247 of the Town and Country Planning Act 1990, or by application to the Highway Authority for the stopping up of highway land via the magistrates court under section 117 of the Highways Act 1980.

Comments:

Further to my earlier comments provided on behalf of the Highway Authority in this matter, dated 3/1/20, the applicant submits a Technical Note (Document Reference TN02 – Response to HCC comments, 24/1/20) and Technical Note (Document reference TN03 – Updated Drawings in response to Stage 1 Road Safety Audit, 4/2/20). Additionally, drawings;

19173-02-021- Roadmarking and signs  
19173-01-017 – Tails End  
19173-01-019 – Junction Tracking  
19173-02-016 - Visibility Splays

I have reviewed my comments against the revised details submitted.

Whilst it is recognised that the majority of accesses were approved under outline, HCC repeat its' observation that the application considered herewith is a Full application. There shall have been details provided as part of the Outline application (visibility splays etc) that were not provided as part of this current Full application. The additional information now submitted provides for this.

The Highway Authority recognise that the majority (5 of 6) access points comprising this development were found acceptable at outline (all matters reserved except for access), however, I can find no evidence that Road Safety Audit was conducted. Hertfordshire County Councils Design Guide (Roads in Hertfordshire 3rd Edition) identifies that where a development includes a new access to the public highway, HCC will need to be satisfied that this is safe in terms of location and geometric design features before acceptance of the highway features of the application can be recommended to the LPA. The applicant now submits a Road Safety Audit of proposals (RSK Associates, VRP1135-01, 1/2/20). The RSA report also suggests that no RSA has previously been undertaken.

The RSA considers the drawings now forming part of the application, and considers the entire scheme.

Review of the Designer response to the Audit recommendations is acceptable.

The RSA identifies risks associated with the crossing of Bridlington Road by pedestrians, representing the loss of an existing facility (which also serves to reduce vehicle speeds). Such an observation was made in my earlier comments. Drawing 19173-01-17 now introduces a raised table at the junction of Bridlington Road with Southern Link Road (NB – Drawing 19173-01-17 is incorrect in terms of labelling Bridlington Road as Henbury Road.)

The provision of this feature overcomes the primary basis for my original recommendation for refusal (reason 1 of my response 3/1/20).

Drawing 19173-01-017 provides for tactile paving at all vehicular access points (excepting that provided by way of raised table). Such measures in addition fully overcome my earlier reason for refusal numbered 2 in my response 3/1/20.

The Safety Audit identifies a concern that the proposed layout of the perpendicular parking area within The Parade may result in vehicles reversing out onto The Parade when a vehicle is entering the service road from Oxhey Drive or Prestwick Road or the Southern Link Road. There is a concern that poor visibility may increase the risk of collision between a vehicle exiting a car parking space and vehicles entering The Parade. As identified by the Designer Response additional measures (vertical deflection) can be provided to assure low speeds within this area. Such measures are recommended be secured by condition.

Off-site highway works shall be required, by condition, prior to occupation and shall be delivered within the S278 necessary for the scheme.

Visibility splays are provided on drawing 19173-01-016 – the scheme includes new tree planting with splays. The designer response specifies that tree species shall be provided in a fashion that does not prevent future splays being maintained. The designer response also identifies that those existing, mature trees within Oxhey Drive shall be removed. The applicant identifies that the principle of such removal was established at Masterplan approval within the Outline consent, but I note that the Indicative Masterplan supporting the original outline hybrid planning application (drawing 1275-O-162 CSA) does not show level of detail down to planting / trees.

The Illustrative Landscape Masterplan (3017-1001) supporting the outline hybrid planning application appears to not accurately reflect a form of existing tree planting within Oxhey Drive, and shows significantly less new trees than now proposed in the full application. Landscaping for each phase has been dealt with pursuant to condition 35 to the Outline consent.

This requires a scheme of strategic site landscaping to cover all phases which shall include the location of all existing trees and hedgerows. It is understood that this condition has been discharged, in part, for each phase as it is delivered – this therefore suggests that matters in respect of phase 3 are undetermined. It is understood that the Districts Landscape Officer identifies that the loss of the three hornbeams fronting Oxhey Drive would be unfortunate. The Highway Authority recognise that it also did not directly identify at the time any concerns with loss of tree's however it is important to recognise that Hertfordshire County Council has subsequently declared a climate emergency (Full Council, 16/7/19), it is also recognised that the District supported has approved a climate change motion.

The county Councils Tree Strategy (<https://www.hertfordshire.gov.uk/media-library/documents/highways/plans-and-strategies/highway-tree-strategy-and-guidance-document.pdf>) recognises that highway tree stock contributes to people's health and wellbeing, a sustainable natural environment, carbon reduction and Hertfordshire's landscape. The loss of such tree's is therefore unfortunate.

It is recognised that Felling may be necessary where absolutely necessary in instances where a tree is causing an obstruction to a public highway, public right of way, access to property or footpath. The Safety Audit identifies that such an action is necessary. Hertfordshire County Council has undertaken a review of the Safety Audit, and the subsequent Designers Response and has concluded that the designer response to the audit recommendation is acceptable, and therefore supports that the tree's shall need to be removed.

I recognise that outline consent included condition 35 which directed that no works other than ground works and site preparation and advance infrastructure works may commence until a full scheme of site landscaping be submitted to include all existing tree's and hedgerows, including those to be lost, as well as details of tree's to be planted. It would be appropriate to repeat this condition, but include the Highway Authority in agreeing the strategy.

The Highway Authority shall direct that it would expect all new planting to be agreed within the site within areas of Highway to be of a value upto to the value of the assets to be lost through the development, as directed by para. 4.10 of its' Tree Strategy.

The County Council shall utilise a Capital Asset Value for Amenity Trees (CAVAT) methodology in the valuation of the trees as a public asset. The applicant shall be



responsible for securing the CAVAT assessment as necessary for discharge of condition 35.

It is considered that there exists sufficient new tree planting within the context of the site that the use of a condition to secure replacement planting to an agreed standard is sufficient, and ensures that a S106 obligation in respect of a financial contribution for replacement trees is not required.

The County Council within its' assessment of the Road Safety Audit also recognise that no details have been provided regarding the colour palette of paving materials or kerb upstands, with the resultant poor contrasts between materials at level differences or transitions between footways and carriageway increasing the risk of pedestrian trip/fall injuries and or collisions with moving traffic. Technical approval through the s278 agreement shall consider such matters.

#### Accessibility

The bus stops and services available are accurately identified in the TA and there are several within 200m.

The combination of the central location, adequate bus services and proximity of Carpenders Park station make this potentially a sustainable site. There is scope for bus stop infrastructure upgrades close to the site – the stop on Oxhey Drive outside the site has a shelter, but no easy access kerbing (£8000). The stop for services in the opposite direction (Stop C, Prestwick Rd) would be difficult to upgrade with easy access kerbing but would benefit from a display screen (£10,000).

HCC sets out its approach to Developer Contributions within document 'Planning obligations guidance - toolkit for Hertfordshire January 2008'. (<https://www.hertfordshire.gov.uk/media-library/documents/environment-and-planning/planning/planning-in-hertfordshire/planning-obligations-toolkit-for-hertfordshire.pdf>)

Against the above, it is considered reasonable to expect improvements to bus stops local to the site, in lieu of a financial contribution.

A Framework Travel Plan is provided against this development. The County Council are broadly satisfied with the contents of the Travel Plan but note that it omits necessary information including interim co-ordinator contact, statement of senior commitment, Travel Plan steering group frequency, estimated frequency the TPC will be on site, Travel Pack contributions, evaluation.

The Highway Authority would direct that this would need to be secured by way of a S106 planning obligation. Such a Travel Plan should be secured against the requirements of the County Councils Travel Plan Guidance. This directs that the HA would expect a Monitoring and Support Contribution to the value of £6,000. It remains necessary to note that no such contribution, or Travel Plan was secured by way of the previous S106. The County Councils' Travel Plan Guidance establishes our policy towards travel plans. The monitoring and support contribution enables the County Council to ensure that the Travel Plan is successful in driving behaviour change, and are satisfied that the contribution meets the three statutory tests

South Oxhey Central is located immediately adjacent to the Carpenders Park railway station. Carpenders Park is part of the London Overground rail network and provides connections to Central London and Watford.

There are a number of bridleways and footpaths in the vicinity of the development including Bridleway 17, which provides connections from Prestwick Road. Footpath 11 which is located to the west of land at Maylands Road and connects Gosforth Lane to Oxhey Drive in close proximity to St Joseph Catholic Primary School. Footpath 8 is located on Woodhall Lane, south of the Oxhey Drive/Woodhall Drive Junction.

As 'public realm' (elsewhere this response), whilst footways are provided throughout the development to a minimum width of 1.8m such routes are oversailed by balcony's. Whilst such oversailing within southern link road would simply prohibit the adoption of the road, those balcony's oversailing Bridlington Road, the northern link road and Oxhey Drive are unacceptable as they shall oversail the highway. Further – balcony's on the northern face of Parcel 3b shall be closer to the kerb face than 0.4m. Whilst balconies are first floor and above, balcony in vicinity of north link road and Bridlington Road is less than 3m above footway level.

Prestwick Road provides off-road cycle provision. (east). Whilst there is a toucan crossing some 170m north of the site, there is limited effort at integrating the site with this route.

Three Rivers Council has a community infrastructure levy and contributions towards local transport scheme will be sought via CIL if appropriate.

#### Other matters

In respect of Cycle Parking I recognise that my earliest response erroneously applied residential house standards, and quoted 1 space per dwelling. Paragraph 2.43 of TN02 directs that for flats the provision of cycle parking to 1 space per 2 dwellings. The Highway Authority recognise the erroneous nature of its' earlier concern in this respect. My previous reason for refusal (numbered 3 in my response) is therefore accepted as erroneous and retracted.

Drawing 19173-01—021 Rev B provides indicative details of the one way working for the scheme. There are no highway safety matters arising from proposals. Delivery of the scheme shall be contingent on successfully consulting on proposals for the traffic regulation relating to the one-way system.

It is recognised that footway widths are above 1.5m (un-oversailed) as a minimum, this shall ensure that, if offered for adoption – there shall be no issue with successful completion of a s38, mindful that such areas will be required to meet the test of public utility. Minor changes see the relocation of cycle stands adjacent to the food supermarket entrance.

#### Summary

The additional information in the form of additional drawings, and associated road safety audit, subject to the above conditions and 106 requirements satisfy the Highway Authority that its' earlier concerns have been addressed and no objection is presented to development proposals. Highway impacts associated with the additional density of housing now proposed were accepted within my earlier response (22/11/2019).

#### 4.1.12 Hertfordshire Property Services: [Contributions requested]

##### 4.1.12.1 Initial comments:

I refer to the above mentioned development application. I am writing in respect of planning obligations sought towards education\*, library and youth services to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information to date for the development of **345 dwellings**, it is understood that a signed and endorsed S106 Agreement on application 16/0005/FUL, has already covered 200 market dwellings (out of the 345 put forward in this application) included in this application. This would mean the S106 contributions HCC could seek from this scheme would only be the **uplift of the additional 145 dwellings** from this application which will be delivered through an amendment of the existing S106 agreement through a Deed of Variation to the existing agreement.

The breakdown based on dwelling types are as follows: 61x1bed (9 Social; 52 Market), 51x2bed (20 Social; 31Market), 33x3bed (4 Social; 29 Market) dwellings and we would seek the following financial contributions towards the following projects:

- . Primary Education -
- . Secondary Education -
- . Library Service towards the enhancement for a project to increase the capacity of the ICT offer at Oxhey Library through provision of additional IT resources for adults, children and young people (£15,169)
- . Youth Service towards refurbishing the entrance and office space of the South Oxhey Young People’s Centre, as well as improvements to the main recreation area and additional cosmetic enhancements to ensure that the Young People’s Centre continues to be an attractive and vibrant space for the increased number of young people moving into the area as a result of this development (£1,961)

\*I am still awaiting final confirmation from education colleagues what projects they would like to seek contributions from. A follow up email will be sent to you as soon as I hear back from Children Services; all information included in this email represents our latest position otherwise.

For reference the contributions are based on the following indicative development mix taken from the application and trajectory:

**Housing mix**

<b>FLATS</b>			
Number of bedrooms	A) Open Market & Intermediate	B) Affordable Rent	
1	52	9	
2	31	20	
3	29	4	
<b>Total</b>	<b>112</b>	<b>33</b>	<b>145</b>

We note that Planning Appraisal submitted by the developer considers the 45% affordable housing target would be calculated using the uplift numbers of dwellings over and above the original 200-unit scheme i.e. 45% of the additional 145 units. Whilst HCC is not in a position to comment on the rightfulness of such approach, I must stress that this response is made subject to the agreement between the LPA and the developer on the approach used in the Viability Appraisal.

**Review mechanism**

If for any reason the development mix or trajectory are considered to be incorrect then please make us aware so that a further assessment of requirements can be undertaken.

In addition, although the likely levels of contributions have been provided in this email it is important to note that these are only indicative figures. Therefore HCC require mechanisms to be included in the legal agreement such that if the number and mix of dwellings was to change (e.g. at the Reserved Matters stage) then the level of contribution could easily be recalculated and without the need to enter into a Deed of Variation.

In order to facilitate this and enable a formulaic approach to be applied the contributions for Education, Youth facilities and Library facilities have been set out by type, tenure and size of dwellings (in the form of Table 2 of the HCC Toolkit). These are as follows:

<b>Bedrooms*</b>	<b>1</b>	<b>2</b>	<b>3</b>
	<b>FLATS Market &amp; other</b>		
Primary education	£93	£816	£1,392
Secondary education	£47	£444	£1,677
Youth facilities	£3	£13	£41
Library facilities	£77	£129	£164
	<b>FLATS Social Rent</b>		
Primary education	£44	£1,167	£2,524
Secondary education	£14	£261	£1,084
Youth facilities	£1	£6	£21
Library facilities	£38	£82	£107

### **Fire and Rescue Services**

The Fire and Rescue Service would urge and encourage the installation of residential sprinkler systems to reduce the impact of this development on both the residents and the increase in calls that will come from a development of this size.

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.

All dwellings 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 by the developer, through standard clauses set out in a legal agreement. If the developer does not provide hydrants where necessary (and this is a matter which is not considered until a more detailed design stage), the responsibility and cost would fall upon the County Council. Accordingly the provision of fire hydrants is sought from this proposal.

In addition, 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.

Paragraph 6.1(c), of BS 5588-5 2004 states that every building needs to have a suitable hydrant:

- . not more than 60m from an entry to any building on the site;
- . not more than 120m apart;
- . preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances; and
- . not less than 6m from the building or risk so that they remain usable during a fire (generally a water supply capable of providing a minimum of 1500 litres per minute at all times should be provided).

The provision of public fire hydrants is not covered by Building Regulations 2010 (Part B5 as supported by Secretary of State Guidance 'Approved Document B').

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.

Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site.

#### Justification

Unless stated otherwise, the above figures have been calculated using the amounts and 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)

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). In addition, for education requirements, paragraph 72 of Section 8 of the NPPF states "The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a

proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education."

The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

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

*(ii) Directly related to the development;*

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.

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

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

The above financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield).

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

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

I trust the above is of assistance. However, please let me know if you have any questions or require clarification on any points.

4.1.12.2 Further comments (details of education contributions sought provided):

Primary Education towards the expansion of Woodhall Primary School from 1 form of entry to 2 forms of entry (£104,332).

Secondary Education towards the expansion of Rickmansworth Secondary School from 6.5 form of entry to 7.5 forms of entry (£74,523).

4.1.13 Hertfordshire Public Health Services: [Advisory comments]

For all development proposals Public Health recommends that applicants refer to the Hertfordshire Health and Wellbeing Planning Guidance and Public Health England's Spatial Planning for Health evidence resource. This sets out our expectation of developers in terms of the delivery of healthy development and communities and focusses on the principle of 'designing in' health and wellbeing as an essential part of the planning process. In doing so,

this recognises the wider determinants of health as a diverse range of social, economic and environmental factors which influence people's mental and physical health, and would demonstrate that an application for development has been positively prepared.

**Local Health Priorities** The health of people in the Three Rivers District is generally better than the England average. Three Rivers is one of the 20% least deprived districts in England. However, health inequalities do exist; 9.7% (1,600) of children live in low income families, and the difference in life expectancy between the most and least deprived areas of the District is 7.4 years for men and 8.0 years for women. South Oxhey is the most deprived Ward in Three Rivers with an IMD 2015 score of 27.3 (average IMD 2015 score for Three Rivers is 10)<sup>7</sup>. The percentage of adults who reported having a limiting long-term illness or disability, and year 6 children with excess weight is significantly worse than the Hertfordshire average<sup>8</sup>. These health priorities can be both positively and negatively influenced by the built environment. There are opportunities to proactively tackle the challenges of health inequalities through positive planning to benefit the residents of the proposed development and existing residents in the local area.

**National and Local Policy** The recently revised NPPF, in its planning objective 8b, sets out that the planning system has a social objective to support strong, vibrant and healthy communities and to support communities' health and social wellbeing. This has been retained from the previous NPPF and should be seen as an equal consideration to environmental and economic objectives. Paragraph 91 requires planning to aim to achieve healthy places which enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs (Para 91c).

Paragraph 92b sets out that planning decisions should take into account and support the delivery of local strategies to improve health, social and cultural wellbeing for all sections of the community.

#### Specific Comments on the Proposal

The site is located within close proximity to local services, amenities and public transport (bus and train), all of which are accessible by walking and cycling. We therefore look to both the developer and planning authority to ensure that this development prioritises this mode of transport through its design and infrastructure provision. This would be in accordance with the policy provisions of Hertfordshire's Local Transport Plan.

In terms of the development design scheme and proposed layout, there are some points for consideration detailed below:

1. Encourage use of stairwells instead of lifts: To promote positive behaviours to increase physical activity levels, we recommend the planning authority seeks innovative design solutions which encourage active behaviours. This will provide an intervention to build physical activity into daily life and contribute towards increasing physical activity levels. It is acknowledged residents may not use the stairs to climb to the higher levels. However, over time, they may be able to climb more flights of stairs as fitness levels increase before using the lift.
2. Encouraging early adoption of active travel behaviours from the new occupants: We request that wayfinding signage towards key local destinations and rights of way (including journey times) is provided. To encourage the adoption of new active travel behaviours, this should be in place from the outset when individuals are more open to change.
3. Proportion of affordable housing: having a good quality home is important to our health and wellbeing, and ensuring accessibility to affordable housing is a priority across the County. There is a lack of affordable homes in Three Rivers<sup>9</sup>. The proposal to include 19% as affordable housing is below the 45% target set in the Affordable Housing Policy (CP4).<sup>10</sup> It is positive the affordable housing is tenure blind.

4. Air quality - Poor air quality is a Public Health priority and we look to both the Applicant and the Planning Authority to demonstrate that this development will not create, or worsen an existing, air quality problem. The Local Health Profile for South Oxhey shows there are higher than average numbers of the population living in deprivation and adult population with a limiting long-term illness or disability. This means a local population that is potentially more vulnerable to the effects of air pollution.

5. Charging points for electric vehicles: To encourage the use of cleaner vehicles, it is recommended to provide electric charging points in the parking bays.

6. Outdoor play: The trend across Hertfordshire is increasingly seeing families and children living in flatted accommodation, particularly in urban centres. This may also be the case for the proposed development for the 2 and 3 bed apartments. Nationally, there has been a big decline in the amount of outdoor activity by children, whilst we're seeing increasing levels of child obesity. The proposed development provides limited play space on site, it is therefore recommended to signpost to off-site play provision.

#### Health Impact Assessment

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

In November 2019, Herts County Council adopted a HIA Position Statement. This sets out when a HIA should be undertaken and frameworks to use for each stage of the HIA process. The Position Statement includes guidance on the quality assurance framework that will be used to assess HIAs that are submitted with planning applications. The HIA Position Statement and supporting appendices can be downloaded from the weblink below: <https://www.hertfordshire.gov.uk/healthyplaces>

#### Conclusion

This proposed development is in a good location for residents to access local services and amenities and to adopt active and sustainable travel behaviours.

#### 4.1.14 Housing Manager: [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: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units. The main requirement is for 2 bed 4 person units as we have a high requirement for family sized accommodation.

I support this application as part of the wider South Oxhey regeneration initiative.

#### 4.1.15 Integrated Accommodation Commission: No response received.

#### 4.1.16 Landscape Officer: [No objection subject to conditions]



It seems a shame not to preserve the three hornbeams fronting Oxhey Drive, but this was not highlighted as an issue at the hybrid planning application, so it would be unreasonable to raise at this point. Their loss however should be adequately mitigated through the landscaping scheme, the outline of which is submitted within the current application. Further more detailed information is required in regard to species, size and planting area construction etc. to ensure that the loss of the original trees can be suitably mitigated.

I therefore have no objections to the development, but would request a detailed landscaping condition is attached.

#### 4.1.17 Local Plans: [No objection]

The application site of South Oxhey is identified as a Key Centre in the Core Strategy (adopted 2011), recognising that South Oxhey is a highly sustainable location with good transport links. The council views South Oxhey as an important area for regeneration, and there are several policies throughout the plan that support this. A key priority in the Spatial Vision is to 'reduce inequalities across the District, in particular through regeneration of the South Oxhey area'.

Policy PSP2 h) of the Core Strategy states that the Council will support development that will help tackle deprivation affecting South Oxhey particularly in relation to improving access to education, skills, training and employment and reducing crime.

Policy PSP2 k) of the Core Strategy states that the Council will support development that promotes regeneration in parts of South Oxhey to improve housing stock quality and reduce inequalities through the provision of targeted services in more efficient ways. This could include mixed use development consisting of new housing, offices, shopping and community uses. The proposal complies with both Policy PSP2 h) and k).

Policy SA6 South Oxhey of the Development Management Policies LDD sets out that the Council will promote the regeneration of South Oxhey to deliver improvements in:

- Improved access to services
- Improved access to sustainable modes of transport
- Improved housing quality and access to housing
- Better quality leisure and community facilities
- Improved shopping facilities
- Reduced levels of deprivation
- Facilitate improved access to employment
- Facilitate improved access to education, skills and training

Development proposals within the South Oxhey area should contribute to objectives for the regeneration of the area.

Policy CP3 of the Core Strategy 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. The application proposes a total of 345 units, 33% (115) 1-bed units, 54% (188) 2-bed units and 12% (42). No 4 bed units are proposed.

Although policy CP3 requires a lower proportion of 2-bed units and a higher proportion of 3-bed units, the proposed mixture may be more appropriate to this specific regeneration project, as indicated in the evidence supporting the application.

Policy CP4 of the adopted Core Strategy seeks an overall provision of around 45% of all new housing to be provided as Affordable Housing. Policy CP4 also states that in assessing affordable housing requirements, including the amount, type and tenure mix, the Council

will treat each case on its merits, taking into account site circumstances and viability. Applicants are required to submit viability evidence where the proposals for development do not meet the 45% target. The proposal of 65 dwellings (18% 33 rent and 32 shared ownership) for affordable housing is below the required 45%. However, viability evidence has been submitted showing that the scheme would be unviable with a higher level of affordable housing. Also taking into account site circumstances and the specific nature of this scheme which delivers a number of planned regeneration improvements to the area, the proposal is considered to comply with Policy CP4 requirements

Policy DM13: Parking of the Development Management Policies LDD requires development proposals to make provision for parking in accordance with the standards set out in Appendix 5 of the same document. The general requirement for residential dwellings is 1.75 spaces per dwelling for 1 bed dwellings, 2 spaces per dwelling for 2 bed dwellings, 2.25 spaces per dwelling for 3 bed dwellings, and 3 spaces per dwelling for 4 or more bed dwellings. The applicant proposes 235 internal residential spaces and 33 on street spaces for the proposed 345 dwellings there will be an overall ratio of 0.8 spaces per dwelling, The proposed number of parking spaces is below that set out for C3 Residential development, however Appendix 5 states that 'In areas of high accessibility and good service provision a reduction in the levels of parking for C3 Residential may be appropriate'. As has previously been highlighted, South Oxhey is considered a sustainable location with good transport links (including close proximity to a railway station), and thus lower levels of parking spaces may be acceptable.

The proposal also includes an additional 126 parking spaces for 'town centre' uses in South Oxhey. There are 79 spaces proposed at the foodstore 24 commercial spaces, 12 visitor spaces and 11 motorcycle spaces. Overall the parking proposed for town centre uses is lower than the requirements set out in Appendix 5, however, the sustainable location and good transport links of South Oxhey should be taken into consideration.

The proposed foodstore would be consistent with Policy SA4 (Retail Allocations) and is supported by the Retail and Leisure Study (2012) which in terms of qualitative provision there needs to be a re-balance of provision in South Oxhey to assist in regeneration and to recapture trade currently leaking from the area.

The proposed development would also be in accordance with Policy CP6(m) of the Core Strategy as it supports opportunities for economic development in the South Oxhey area for regeneration and in tackling deprivation in relation to access to employment, education, skills and training and income.

In summary, the proposed development is considered to comply in principle with relevant parts of Three Rivers Local Plan and is supported from a policy perspective.

#### 4.1.18 National Grid: [No objection, advisory informative]

An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus. For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-before-you-dig>) or the enclosed documentation.

#### **Are My Works Affected?**

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of apparatus, we will not take any further action.

Please let us know whether Plant Protection can provide you with technical or other information that may be of assistance to you in the determination of the application.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

### **Your Responsibilities and Obligations**

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Limited, National Grid Electricity Transmission plc (NGET) and National Grid Gas Transmission plc (NGGT) and apparatus.

This assessment does **NOT** include:

- Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.
- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is **YOUR** responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on either the National Grid or Cadent website.

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

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

4.1.19 NHS England: No response received (comments submitted from NHS Herts. Valleys)

4.1.20 NHS Herts. Valleys: [No objection, contributions requested]

This development of 345 dwellings would result in excess of approximately 828 additional residents.

Several GP practices in South Oxhey will be affected by this development, all of which are already operating in cramped conditions and their ability to absorb any increase in patient population is therefore very limited.

Closest practices to the proposed development are:

The Consulting Rooms – 261.89m<sup>2</sup> NIA – patient list 6,632 as of 1 April 2019

Department of Health’s Principles of Best Practice stipulate that a surgery with this number of patients is recommended to have circa 450m<sup>2</sup> NIA (net internal area) of floor space, which is circa 190m<sup>2</sup> more than this practice currently occupies.

South Oxhey Surgery – 56m<sup>2</sup> NIA – patient list 3,367

According to the Principles of Best Practice a surgery with over 3,000 patients is recommended to have circa 230-250m<sup>2</sup> NIA (net internal area) of floor space, which is several times more than they currently have.

Pathfinder Practice – 180.58m<sup>2</sup> NIA – patient list 4,235

A surgery with over 4,000 patients is recommended to have circa 300m<sup>2</sup> NIA (net internal area) of floor space, which equates to over 100m<sup>2</sup> of current shortfall.

It should also be noted that the Principles of Best Practice is only concerned with the GP core services and does not provide size guidance for extended services, which most surgeries are offering.

For this reason a contribution would be sought to make this scheme favourable to the NHS services commissioner and we would like to propose that a charge is applied per dwelling towards increasing GP premises capacity in the area.

Below is our calculation based on the number of dwellings proposed:

345 dwellings x 2.4= 828 new patients  
 828/ 2,000 = 0.414 GP (based on ratio of 2,000 patients per 1 GP and 199m<sup>2</sup> as set out in the NHS England “Premises Principles of Best Practice Part 1 Procurement & Development”)  
 0.414 x 199m<sup>2</sup> = 82.386m<sup>2</sup> additional space required  
 82.386 x £3,150 (build costs including land, fit out and fees) = **£259,515.90**  
 £259,515.90 / 345 = £752.22 ~ **£752 per dwelling**

These calculations above are based on the impact of this development only, on the number of dwellings proposed.

In addition to the above, we would like you to consider the impact on NHS community, mental health and acute care services. Detailed calculations of the capital impact can be provided and I have summarised the cost per dwelling based on 2.4 occupancy below:

	Cost per dwelling
Acute Care	£2,187.69
Mental Health	£201.38
Community Services	£182.03

I trust this information is sufficient for you to proceed, however, should you have any questions, please do not hesitate to contact me.

4.1.21 Network Rail: [No objection, contributions requested]

Network Rail has the following comments to make.

The Transport Assessment states:

**Rail Facilities**

*3.5.3 The nearest railway station is Carpenders Park Station located some 200m from the site, which is less than a 2-minute walk from the east of Phase 3. Carpenders Station is served by the London Overground Service and destinations include Wembley Central, South Hampstead and London Euston.*

Whilst the proposal is not directly adjacent to the existing operational railway it should be noted as above that the proposal is within a short walk from Carpenders Park Railway Station. Given the close proximity of the development to the station is such that any journeys will be on foot/by bike; the council and developer are advised that the station has no waiting room facilities or toilet facilities and limited space for cycles.

The adopted Three Rivers Core Strategy states:

**PSP3**

**Development in Secondary Centres (...Carpenders Park...)**

*v. Improvement of parking and cycling facilities at Kings Langley, Moor Park and Carpenders Park stations*

**CP10**

**Transport and Travel**

*The Council will promote transport measures identified in the Infrastructure Delivery Plan in partnership with Hertfordshire County Council, the Highways Agency and transport providers.*

*Development proposals will be expected to contribute to the delivery of transport and travel measures identified as necessary for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision for interchange and access by public transport, walking and cycling will be regarded as particularly important.*

The NPPF states:

"108.

*b) safe and suitable access to the site can be achieved for all users; and*

*c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*

In order to comply with the aspirations of the council's Core Strategy and the NPPF and as part of the planning consent the developer is to provide full funding for:

- . additional cycle racking
- . enhancement of waiting and toilet facilities

The outside party in the first instance is to contact [Dylan.Webster@networkrail.co.uk](mailto:Dylan.Webster@networkrail.co.uk) to discuss the funding for the enhancements at Carpenders Park Stn.

As Network Rail is funded by public remit it is not reasonable to expect Network Rail to mitigate the impacts of outside party development upon the railway infrastructure.

4.1.22 Thames Water: [No objection]

#### Waste Comments

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

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### 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.

#### 4.1.23 Watford Rural Parish Council: [Objection]

WRPC have examined the plans and local councillors know the site well. We wish to object strongly to certain aspects of this application. As this is a new full application WRPC would like TRDC councillors to reevaluate all previous assumptions made at the hybrid consent.

There are a considerable number of documents associated with this development and policies that relate directly. We apologise for the length of this letter and for any duplication within. Some points made are similar, but we are trying to highlight what we believe is the disparity between policy, assumptions made and promises given. This development will have long reaching consequence for this parish and all stakeholders must put those living here first over developers' profit.

#### **Allocation of Affordable Housing**

Our council notes that the application states 345 new dwellings, of which, 65 (18.8%) properties have been listed as Affordable Housing. This contradicts numerous Three Rivers District Council (TRDC) existing and proposed Policies and advice from the South West Hertfordshire Housing Market Area (SHMA). Our aim is to highlight these contradictions within their Policy: TRDC's own policy states that all new developments should have 45% affordable housing. Within this 70% should be Social Rents and 30% intermediate. We ask that TRDC Cllrs reconsider the original figure agreed and apply their own policy requirements of 45% to this application (as a minimum).

We welcome recent recommendations (draft Local Housing Needs Assessment (LHNA) item 2.17) made to committee by TRDC officers in September 2019 outlining a need for 80% of affordable housing as Social Rent. Item 2.21 further goes on to state "**Given the substantial need for affordable housing in the District, it is also essential that development does not lead to a reduction in the overall supply of affordable housing, or to changes to the tenure of affordable housing which is provided so that it is less well suited to meet demonstrated local needs. Such proposals would undermine the overall approach to the supply of affordable housing in the District and will be resisted.**" This application clearly is not well suited to local needs and by your own officers definition should be resisted.

Please note that Countryside's original Viability assessment (within planning application 16/0005/FUL) has been treated as confidential and is not available to examine to measure reasons given or the promises made. Our Council believe this to be unfair as they reference it in the subsequent viability assessment. How can the public and consultees examine this

application properly without it? We respectfully ask Council to consider transparency for these viability assessments ongoing as some other councils have done.

Notwithstanding the points above, below are a list of the main policies from TRDC which outline policy in relation to Affordable housing. Items in blue are our Council comments:

## 1) **Housing, Homelessness and Rough Sleeping Policy 2017-2022**

Objective 2 : Increase the supply of accommodation, including temporary accommodation

2.2 Increase supply of affordable Housing in the district

About Three Rivers – within this section it quotes the “2015 Index of Multiple Deprivation (IMD)” – This splits up the scores into areas called Lower Super Output areas (LSOAs). We’d like to highlight some quotes that reference South Oxhey:

**“Residents in the most deprived areas of the district are more likely to be renting, in particular in the social rented sector. In some LSOAs (Northwick) this is as high as 62.3% of all tenures being social rented, with only 24.2% of tenures being property ownership.”**

**“A majority of the most deprived Three Rivers district LSOAs are within the ward of South Oxhey.”**

**“Typically speaking, residents in South Oxhey are likely to have fewer education and employment opportunities, experience greater barriers to accessing services and have lower household incomes than other parts of the district. “**

**“With private rented sector (PRS) market rents significantly higher than Local Housing Allowance (LHA) and PRS landlord and estate agents increasingly reluctant to let properties to benefit dependant or low income households, residents in South Oxhey are more likely to require housing advice and assistance if threatened with homelessness from their current property. ”**

This data shows that South Oxhey is a deprived area with low incomes with most local residents Socially Renting. Therefore, the need for local people is for affordable housing. WRPC argues that allocation of 18.8% does not fit this need. Why in the neediest area of the District would you cut your own policy by 60% - an increase would have been more appropriate. TRDC figures show 694 people are on the housing list in this parish. Why are TRDC not pushing for more affordable housing?

The Housing and Planning Act 2016 summarises that:

**“Local Authorities will be *required* to develop an up-to-date plan with their communities that meets their housing requirement”**

WRPC queries this requirement has been followed through fully as the Affordable Housing Supplementary Planning Document which outlines policy relating to this issue is from 2011. It even states that it will be updated in line with Housing strategy which it hasn’t been.

Under the heading **“Local Context”** it states that most properties are “unaffordable” particularly to the under 35’s, even more so in South Oxhey, why then weren’t more homes given “affordable” status? Pricing homes in the one of the most deprived areas of the Country at £280,000+ that only a minute fraction of our residents can afford seems illogical.

It is worth noting here facts about two of Countryside’s recent large developments in South

Acton & Sudbury. South Acton were given an affordable housing quota of 50% of their near 3500 unit development so why was South Oxhey deemed viable for 18.8%?

The Barham Park development in Sudbury, though marginally smaller was allocated 56% affordable housing. Again, why was South Oxhey deemed viable for only 18.8%?

WRPC respectfully ask TRDC officers to compare these three very similar sites against the points made in Countryside's viability conclusions to see if there are any concerns. All three locations are very similar being very near to tube stations.

Under the heading "**Our Priorities 1. Prevent and relieve homelessness**" it lists numerous ways to help the homeless. Based on the facts presented earlier it could be suggested that most homeless people would come from the most deprived area i.e. South Oxhey. Having Social Rent stock would alleviate this problem and allow residents to remain near loved ones.

Under the heading "**Our Priorities 2. Increase the supply of accommodation, including temporary accommodation**" it states "The Council's current Affordable Housing Supplementary Planning Document contains a *requirement* for 45% of all residential development to be affordable. Within this quota, 70% should be for social rent and 30% intermediate provision. This is based largely on the evidence of the 2010 Strategic Housing Market Assessment (SHMA). And yet this requirement was ignored in the area that most needs it. It is also worth noting that the SHMA actually states that the affordable housing split should be 82% social and 18 % intermediate, not 70%/30%

**Equality Impact assessment** – Although not linked to the affordable housing argument per se, WRPC would like to point out that flats located above ground floor are not easily accessible for wheelchair users due to narrow doorways and poorly designed corridors. We request that this is taken into account on any future flat developments in the district ongoing as we believe current designs could be challenged under the Equality Act 2010.

On page 39, under "**service gaps and overlaps**" it states, "The number of Socially rented relets becoming available is inadequate to meet the demand from those in a high degree of need." WRPC again asks why this area, most in need, was excluded from TRDC's own policy conclusions.

## 2) **Affordable Housing Supplementary Planning Document 2011**

WRPC would like to point out that item 1.22 states that this document "will be updated accordingly once the Housing Strategy has been updated"

WRPC found a draft 2012-2015 Housing Strategy document in your archives but nothing until the 2017-2022 document referenced above. This document is now 8 years out of date. Key points:

1.1 "The lack of suitable and affordable housing within Three Rivers impacts on key services and the local community"

1.2 "The provision of affordable housing to meet the need of the local people is one of the Council's top corporate policies"

2.3 The key findings from the SHMA (2010) are that:

- **The requirement for affordable housing in and around the Three Rivers area remains exceptionally high.** This is largely as a result of very high house prices and rents, a constricted supply of suitable sites for all housing types and losses from the existing affordable stock through 'Right To Buy' sales

- **In order to completely satisfy affordable housing requirements, all future housing supply in the District to 2021 would need to be affordable.**



3.9 **All** proposals for residential development will be required to comprise 45% affordable housing, regardless of the availability of grant, with a guideline tenure split of 70% social rented and 30% intermediate affordable housing. The Council will consider the impact on development economics in relation to each scheme in accordance with this Guidance.

3.10 **All** residential development proposals will be required to make provision for affordable housing to address the Development Plan objective (Policy CP4) of providing 45% of the overall target for affordable homes over the Development Plan period.

3.11 The tenure mix of affordable housing units on-site should reflect the identified local and District wide housing need and contribute towards a balanced housing market and the creation of mixed, integrated and sustainable communities.

WRPC would like to argue that this application, and the ones associated with this development previously, did not adhere to these policy statements and should be rejected on these grounds. The area desperately needs Affordable Housing, according to figures from TRDC (FOI request) 694 people in our parish are on the housing list

WRPC asks that officers go through the visibility assessment from Countryside again to determine if there is now leeway within to give more affordable homes. The unknowns from the start of the development relating to risk are now measurable i.e. the lenders will see that Countryside have definite returns on the investment. Therefore, it could be argued a higher ratio of affordable housing should be viable. In addition, TRDC should now be able to measure the profit margins and measure that against the proposed viability assessment. Guidelines are 15% profit. What is Countryside achieving?

WRPC would like it noted that the 96 properties allocated as affordable were filled by existing tenants – that means that the biggest development since the creation of South Oxhey achieved zero increase in affordable housing. If you take the fact that 48 of these “social rent” allocation will return to affordable rents, then it becomes even more stark.

3.31 Where a specific special need is identified at the time of an application, which may be at a District level or a particular family in housing need, the Council will negotiate for the provision of special needs properties to address the needs identified, e.g. for people with disabilities, including supported and accessible/wheelchair accessible properties.

WRPC are aware that the last family, who required a 4 bed unit have accepted temporary accommodation near Watford but clearly they were not catered for. The statement 3.31 has not been followed. We ask that this family, and any family who lived on the original site not housed due to the poor allocation quota in phases 1 & 2, be given a suitable sized home in Phase 3. In the report to full committee under 16/0005/FUL item 3.1.7 states that “**additional commuted sum money has been allocated for affordable housing with in Phase 1A; the proposal is for an additional 21 affordable flats which would result in a total of 117 affordable units (22.8%)**” It is documented that this didn’t happen so WPRC ask that this commuted sum is used for this purpose.

Recent lobbying from WRPC has led to Countryside changing the ground floor flats to be wheelchair accessible, which we are thankful for, but we ask that this be taken into account within TRDC policy ongoing. We are aware that no disability groups were consulted during this process. It could be argued that TRDC is not doing enough under 2007’s Equality Duty to protect against unlawful discrimination. Station Approach and the ignoring of the report outlining the safety issues of the design given by the Royal National Institute for the Blind being another example.

## Chapter 6 – Viability in exceptional circumstances

6.3 states “The Development Economics Study evidence base confirms that 45% is financially viable across the District over the Development Plan period. “

Countryside viability assessment is not available due to “commercially sensitive information”. TRDC’s independent assessment is also not viewable. WPRC restate the need for transparency on these documents and any which directly impacts a community such as this one. WRPC believe the public has a right to know.

The case of *LB Southwark v IC, Lend Lease and Glasspool* in 2014 (“**Lend Lease**”), made clear that the public interest will be given more weight than confidentiality when it comes to the disclosure of viability assessments.

Similarly, in the *Royal Borough of Greenwich v The Information Commissioner (2014)*, an affordable housing obligation of 21% was agreed on the basis of viability, despite the required level being 35% for the area. This resulted in a tribunal decision in January 2015 which ordered the release of the viability assessment for public scrutiny. As a result of these cases, both Southwark Council and the Royal Borough of Greenwich adopted new policies in 2016 which require developers who submit applications that do not comply with the 35% affordable housing target to make their un-redacted viability assessments public. Furthermore, the London Assembly Planning Committee wrote to the Mayor of London in February 2016, to request supplementary planning guidance in relation to viability assessments, stating that developers are “*hiding behind confidential viability assessments*”.

In addition, the charity organisation Shelter stated “Academics at Sheffield Hallam University and the Centre for Regional Economic and Social Research have found that the top five developers’ UK housebuilding profits increased by 388% between 2011-2016. The idea that developers need to cut affordable homes from schemes to make them profitable is simply not credible. Private developments in every area of the country *should* be able to provide a reliable stream of affordable housing.”

We ask that any decision be delayed until this information is supplied for scrutiny.

In conclusion, WRPC believe that TRDC are failing under S4 & S5 of the core policy strategies, S4 states “this means delivering housing to meet local needs in terms of size, type and tenure of units including affordable. Strategy S5 states “House prices are high relative to incomes in the District and a significant proportion of the population, particularly the young and those within the less affluent parts of the District, are unable to access housing in the general market” and yet this core strategy was allowed to be overlooked in the most deprived ward in the district. By the same reason it also fails policy CP4. We would ask that TRD should please insist that Countryside yield to their own core policy with full allocation of 45% affordable housing on the original number of units planned i.e. 200. This would lead to 90 affordable housing units of which 63 will be social rent. We are the most deprived area in the district, have one of the highest levels of elderly and disabled in the county and recognised as needing the most social housing yet Countryside have claimed it is only viable for them to build 18.8%.

WRPC would argue that recent reports of full take up of units, at rates that are significantly higher than the area, means that there are little to no risks in allocating the full 45% quota for phase 3.

WRPC would ask councillors to read the comments from the Local Plans Officer as they have not indicated that they have considered any conclusions or developments made from phase 1 and 2 of the development. It refers to the original Affordable Housing Viability assessment but does not examine or evidence the promises or assumptions made in that document. This is a big concern. Similarly, there is no evidence of checking the daylight/sunlight report and the obvious concerns for loss of light for existing residents. We question the argument that South Oxhey having good transport links. It is well established that our bus service is poor and, despite promises from Arriva and Red Rose, the issues remain.

WRPC would also like to point out findings made by TRDC, based on guidelines they commissioned with Watford and Dacorum councils in their Strategic Housing Land Availability Assessment SHLAA for South West Herts, and reported in TRDC Local Plan Annual Monitoring report 2016/2017, that South Oxhey Centre was listed as having a dwelling capacity of 360. Capacity definition is “the maximum amount that something can contain”. In application 16/0005/FUL, TRDC have already granted nearly 100 more units than this capacity. This application is now asking for a further 145 - these extra 145 units would push this figure to nearly 250 units over recommended dwelling capacity. (Please have this in mind when reading our objections in the parking section below.)

WRPC would also like to draw attention to the Countryside document in 19/2133/FUL “statement of community involvement” 4.33 Table 1 as it lists an action after concerns on the number of homes originally planned – “The total number of homes (and therefore the ‘density’ has been reduced.” If Countryside acknowledged and acted upon these concerns raised by the community at the start, then why are they choosing to ignore them now?

We have requested that their SO39 viability assessment is made available to scrutiny by way of a Freedom of Information request to TRDC. We have also requested that the independent assessment of that document by TRDC is also made available for public scrutiny. The public can then see if Countryside are adhering to TRDC viability assessment policy guidelines on typical margins of 15% gross profit and 6% on affordable housing.

As mentioned previously, other schemes Countryside have built have allowed greater flexibility and we would ask that no decision is made until their viability assessment is independently reviewed now that historical data is known, and potential risks outlined in their original documents are measurable. In addition, we would respectfully ask that more time is allowed to draw conclusions and allow further response from public and stakeholders.

“R v North and East Devon Authority, ex p Coughlan [2001] QB 213” ruled that adequate time should be given to allow those consulted to give intelligent consideration and an intelligent response. WRPC would argue that 5 weeks is not enough time to examine and reconsider over 400 documents from 16/0005/FUL and 19/2133/FUL especially when the key document SO39 is not available for scrutiny.

### **Allocation of parking**

WRPC would like to object to the number of parking spaces allocated. The roads around South Oxhey precinct were already a challenge for many residents to park nearby their homes. The numbers agreed in the 16/0005/FUL application and hybrid consent were always going to cause difficulty for the area and so it is proving. We have had meetings with the Parking Enforcement manager and the Head of Regulatory Services from TRDC as well as Highways from Herts County Council to try and alleviate the problems caused so far. Parking on pavements, near junctions, double parking, parking on grass verges etc.

The Office of National Statistics states that, at the end of 2018, 78% of households have a car and the average number of cars per household is 1.4. .” A recent survey undertaken by WRPC clearly show that Phase 1 car ownership is not meeting the expected numbers of cars. 4% of households indicated having no cars in the household. 56% of households had one car and the remaining 40% had 2 cars an equivalent of 1.48 cars per household

The development has put forward a figure of 0.69 spaces which currently equates to 354 spaces for the original planned number or 455 for the additional units proposed. If we take the numbers recorded in our recent consultation survey (on Henbury Way Car park), then we are looking at 975 spaces being required for the whole development, including the additional units or 760 for the original number planned.

This means therefore, that the roads in South Oxhey could possibly have 406 cars needing on street parking for the original requirement and a staggering 520 possible if TRDC allow the extra units.

In addition, WRPC would also like to draw attention to the “statement of community involvement 4.33 Table 1 “amount of resident parking meets the expected number of cars – this is incorrect based on data collected.

Further, according to the Department for Transport 2018 National Travel study, of those on the higher incomes (who are able to afford these luxury flats), 49% own two or more cars. This could push the potential figure for cars needing on street parking even higher.

NB Please note that Countryside state that the figure is 0.77 spaces for phase 3 based mainly on the fact that they allow for 33 on street parking spaces. We do not believe these should be taken into account as they are spaces that anyone, shopper, visitor or resident, can park in. Further, they are referenced in the original planning application.

### **SO16A Framework Travel Plan**

Countryside’s document, found in 16/0005/FUL, outlines their reasons for allocating such a low number and their provisions for alleviating the probable issues caused. WRPC argue that Countryside have failed on their promises made for phases 1 and 2 and respectfully ask TRDC to establish answers to some of the following questions/points below.

Disappointedly, their Framework Travel Plan under 19/2133/FUL mirrors these promises almost word for word and yet WRPC would suggest that evidence would have been provided in phase 3’s travel plan if any of these promised objectives have been achieved? NB We have only listed points from the original Travel Plan document under 16/0005/FUL to avoid duplication of work:

#### **Section 4 Aims & Objectives**

4.1.3 - Instead of showing the measured success of the original Travel Plan Countryside have mirrored almost to the word what they promised at Phase 1. What evidence do they provide that any objectives have been met, or even attempted?

5.1.4 – Who were the Travel Plan co-ordinators (TPco) for Phase 1 & 2?

5.1.5 – May we respectfully ask TRDC to request evidence from Countryside on these objectives from Phase 1 & 2. Responsibilities listed as “Measuring success and monitoring change” – we would hope to see these findings listed in Phase 3’s travel plan but it simply repeats the same promises.

5.1.6 – Who was the Sustainable Travel Manager (STM) for phase 1 & 2.

5.1.7 – Who were the other people who made up the management structure of the steering group?

5.1.8 – As a local stakeholder WRPC are not aware of this group.

5.2.3 – Has feedback been sought?

5.2.4 – Has this “living plan” been updated?

6.3.7 – How many of these promises were achieved?

6.3.10 – What Car Club Operators were contacted? What was the outcome? In the full report to committee TRDC officers wrote “*The developer has experience of successfully partnering with a car club operator at a number of its schemes, where a similar ratio of car club spaces to dwellings has been provided. Typically, the take up of car club membership is between 20-30% of homes in the first year, with each car usually able to serve between 70 and 80 memberships. Ongoing resident awareness of the car club offer and its benefits is typically maintained through regular letter and website updates.*”

Why has this not been implemented?

7.1 – Are Countryside able to produce any evidence? WRPC asked them to provide information on this Travel Plan and none was forthcoming

7.1.2 – There is now baseline data from those residents who moved in Phase 1.

- 7.1.4 – As TRDC are aware, South Oxhey and Carpenders Park have experienced very poor bus service from both main route providers over the past few years. WRPC respectfully ask you to take this into account when making your decision.
- 7.2.1 – what data collection has been attempted by Countryside to assess peoples travel activities to allow measurement and shape the future for our community?
- 7.2.2 – No results have been distributed by the STM
- 7.2.3 – Again, what surveys have been undertaken by Countryside?
- 7.2.4 – A monitoring strategy was not discussed with WRPC
- 7.2.6 – We ask that TRDC ask to see evidence of reviews

In conclusion, WRPC based on the evidence provided in the latest Travel Plan, Countryside are simply repeating promises made at the original application. WRPC believe that these travel plans are simply a “tick exercise” and respectfully ask TRDC to evaluate these promises.

In relation to parking provision, Countryside quote “It needs to strike the right balance between the spatial requirements for accommodating the likely need for car ownership and the impact that this can have on sustainable place making, good urban design and on the highway network.”

WRPC argues that the amount of issues it has already caused with parking means that this scheme is failing these standards and more importantly it is failing the local community. This fails under CP10 of the TRDC core strategy.

We argue that this area cannot take on further on-street parking. The additional units have already created parking issues, and phase 2 and 3 have not even been delivered yet. As mentioned previously, there could be in excess of 500 cars looking to park in and around the centre of South Oxhey and will, in no doubt, impact Carpenders Park too. To summarise:

- Cars are having to park on pavements, denying accessibility for wheelchair users, those with visual impairment, the elderly and young mums.
- Cars are parking on the corners of junctions, massive safety concerns for all pedestrians, especially the children at our nearby primary schools as well as dangerous to drivers coming out of these junctions.
- Cars are double parking near essential community hubs like the doctors or dropping family members off in the middle of the road as there is no available parking nearby.
- Cars are parking on all the grass verges, verges on Oxhey Drive and neighbouring roads have all been churned to mud due to people seeking parking near their property. WRPC would like to point out that in the full report to committee TRDC officers wrote “*The developer is willing to assist the Local Authority in any investigations they wish to pursue to improve parking in surrounding areas, reviewing existing informal use of grass verges, and working with Hertfordshire County Council highways to identify permanent parking locations and/or review where the opportunities allows for parallel kerb parking to be changed to perpendicular to increase the available parking spaces in these areas.*”

WRPC would ask TRDC what was the outcome of these discussions? Oxhey Drive in particular now has extremely damaged verges due to lack of parking. Can TRDC please ask Countryside if they have spoken to HCC to change parallel parking to perpendicular? Have they discussed any solutions with you?

We ask that TRDC reject the additional units based on these facts.

### **Daylight/Sunlight report**

WRPC believe strongly that not one resident, already living in situ, should lose any daylight based on this application.

Please find the attached daylight/sunlight report that we have commissioned in answer to some of the claims made in Countryside's. As Countryside quoted BRE guidelines we asked the BRE to do their own report. As you can see, BRE have outlined a number of concerns refuting the findings of the Countryside report.

Based on the facts of this comprehensive report, by the leading experts in the field, we would ask TRDC to reject the additional units.

## **General Infrastructure**

### **Healthcare**

Our community recently lost a GP surgery in Prestwick Road which has not been replaced. All conclusions used in TRDC's Infrastructure delivery plan 2010 were based on the Watford Commissioning Locality Group Estate plan of 2009. WRPC would argue that this data is now woefully out of date and a projected input of 1000 more registrations to the area will mean an even greater pressure on our existing services to cope with demand. There is an established link with health issues in the more deprived areas of society so putting more pressure on the already creaking GP surgeries will be detrimental to the community. Residents are already complaining about the lengthy waiting times experienced since the closure of the Prestwick Rd Surgery.

We ask that TRDC deny the extra units based on the need outlined in core strategy S6 as it states **"It is important that all residents, particularly vulnerable groups and those within the pocketed areas of deprivation in the District, have good access to services including health, education, transport and emergency services and that this is maintained or improved in the future. Potential deficiencies will need to be addressed through planning obligations and other funding regimes as part of new development proposals."**

WRPC believe that more units will prevent "good access" as the community already struggling before phase 2 and 3 are even built.

We support the recommendation for a Health Impact Assessment asked for by the Director of Public Health's office at Herts Country Council and we are happy to note one of their points for consideration was the very low allocation of affordable housing in such a deprived area.

We note the recommendations from NHS England where it states that our 3 surgeries are too small for our existing population. The Consulting rooms is circa 190m<sup>2</sup> too small, South Oxhey Surgery is circa 200m<sup>2</sup> too small and Pathfinder Practice is circa 120m<sup>2</sup> too small.

Based on this evidence, WRPC would reject the additional units unless a suitable location for another GP surgery is found. The £259,000 NHS fees asked for would be a good starting point to build somewhere local.

### **Schools**

WRPC would like to point out that we are the only key centre in Three Rivers with no recognised secondary school within the Parish. If you take the Parish Hall as a centre point, then the ten nearest secondary schools are all outside of our district. S106 monies have been spent on a school in another Key Centre, Rickmansworth, WRPC suggest this money should have been ringfenced for the planned secondary school on Oxhey Lane to allow benefits to infrastructure to our community. Indeed, for the past 5 years, Rickmansworth School has accepted fewer children each year from our Parish – a 21% drop in the last 5 years. If that trend continues, as is likely, then they would have received £218k for improving their school from developments in our Parish that only a handful of our children will benefit from. FOI request to HCC

Additional units, would create additional need for our community and it will also mean that more parents will need to travel by car, adding more burden to the overcrowded highways and parking situation.

### **Equality/Discrimination/Safety**

In "Design and access statement 4" Strategy 9.2 it shows that parking outside Lidl's will be opposite the store and not next to it. WRPC would like to question this design due to the issues with safety for those with disabilities crossing a highway unnecessarily as well as parent with small children. Could the parking be placed on the same side for safety reasons?

WRPC would like to question why there is no disabled parking designated for disabled drivers outside the middle block? Lidl's are enforcing their own parking area outside, therefore the retail units in the middle parking zone should also have 3 disabled parking bays according to TRDC development management policy DM13. Although no guidelines for parent parking are contained within this document WRPC would ask for parent parking provision too.

WRPC would also like TRDC to ensure that Countryside take consideration when planning the pedestrian scene for the visually impaired. The Royal National Institute of the Blind are very concerned about the safety of the design at Station Approach especially the lack of tactile paving to assist the visually impaired, handrails not going to floor level, no hand rails near steps and issues for wheelchair users have been raised at recent SOI board meetings regarding the placement of trees and street furniture. The placement of street furniture near disabled parking is also an issue. We would welcome if an Equality Impact Assessment could be commissioned by TRDC before any plans are finalised.

Despite assurances from Countryside, WRPC are still concerned about the use of wood in the manufacture of the balconies. Wood is prone to rotting as well as the possibility of fire. According to the 2016 Document "Fire safety issues with balconies", BRE Global reported 24 fires which have started on balconies. Causes were arson, careless disposal of smoking materials and misuse of barbeques. Aluminium is the best alternative as it achieves the highest possible scores for Part 4 (Non-Combustibility test), Part 5 (Ignitibility test), Part 6 (Fire propagation Test) and Part 7 (surface spread test). Could TRDC consider adding this as a condition please?

### **Miscellaneous**

In their Design and Access Statement part 2, Countryside go in depth into symmetry and "bookending". Both these explanations are simply there to add weight to their argument to make more profit at the expense of the infrastructure of the community. In their original document, Countryside had to find positives to argue successfully for one 7-storey building as most of the community feedback stated they did not want high storey buildings.

Countryside even acknowledges that the original block was placed in the least sensitive area, implying that the rest was sensitive: "Some greater height (5-7 storeys) is however introduced in the least sensitive area along Prestwick Road. This scale responds to the proximity to the station and also provides a presence, proudly announcing the town centre"

To argue that bookending makes the frontage look better symmetrically is a weak argument and fortunately countered by the daylight/sunlight report by the BRE.

WRPC would like TRDC to ask Countryside to consider installing more electric Car charging ports in phase 3 for residents. These can be 75% funded under the Electric Vehicle Homecharge Scheme (EVHS)





Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM4, DM6, DM8, DM9, DM10, DM11, DM12, DM13 and Appendices 2, 4 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(29) are relevant.

### 6.3 Other

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

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

## **7 Planning Analysis**

### 7.1 EIA Screening

7.1.1 Three Rivers District Council adopted a Screening Opinion in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 [now 2017] for the proposed South Oxhey regeneration scheme on 13 July 2015.

7.1.2 This was based on a proposal for the construction of approximately 550 dwellings across the four land parcels and commercial development of approximately 4,500 sqm floorspace within South Oxhey Central, with building heights between 2 and 6/7 storeys.

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

7.1.4 Whilst the current application is a departure from the HPP in that 145 additional residential units are proposed, there is no change to the site area and similarly the building heights proposed would not exceed 7 storeys. The LPA therefore are of the view that the previous Screening Opinion remains relevant and that an Environmental Impact Assessment is not required for the development.

### 7.2 Background/Principle of Development

7.2.1 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, requiring development proposals that accord with the Development Plan to be approved without delay (para 11). The NPPF requires Local Planning Authorities to proactively drive and support sustainable economic development to deliver homes, businesses and infrastructure and thriving places that the country needs; encourage the effective use of land by reusing land that has been previously developed (brownfield land); promote mixed use developments and encourage multiple benefits from the use of land in urban areas; and focus significant development in locations which are or can be made sustainable (para 118).

- 7.2.2 Policy CP1 of the Core Strategy (adopted October 2011) requires development to make efficient use of land by guiding development onto previously developed brownfield land and incorporate mixed-use development wherever possible, recognising that some previously developed land can have significant biodiversity value and improve access to jobs, skills, services and facilities particularly within areas of deprivation in the District.
- 7.2.3 Policies PSP2 and SA6 of the Core Strategy (adopted October 2011) promote the regeneration of South Oxhey to improve housing stock quality and reduce inequalities through the provision of targeted services in more efficient ways, including mixed use development consisting of new housing, offices, shopping and community uses.
- 7.2.4 As set out above, planning application 16/0005/FUL was granted in May 2016 for the redevelopment of South Oxhey Central and Satellite Sites. The planning permission was granted in hybrid form (HPP), with part in full (Satellite Sites and Phase 1A) and part in outline (the remainder). The principle of the redevelopment of the site has therefore been established by the HPP.
- 7.2.5 The current proposal would result in an increase in the number of dwellings, with 145 additional units proposed over that previously established by the HPP. As noted above, both National and Local Planning Policies encourage the effective use of previously developed land and there is therefore no in principle objection to the departure from the HPP subject to compliance with other policies as discussed below in more detail.
- 7.2.6 The development is considered to comply with Policies PS2, CP1 and SA6 of the Core Strategy which promote the regeneration of South Oxhey and encourage efficient use of previously developed land.

### 7.3 Housing

- 7.3.1 The proposed amount and size (in terms of number of bedrooms) of housing is fixed by Condition 24 of the HPP. The HPP also refers to a maximum number of units of 514 across the wider redevelopment site, of which 96 must be affordable. The 96 affordable units have been provided across Phases 1 and 2. Phases 1 and 2 included a total of 218 private units. In total, 314 units are provided across Phases 1 and 2, with a requirement for the remaining 200 private units to come forward under Phase 3.
- 7.3.2 As set out above, the current application has been made as a stand-alone full planning application as it departs from these parameters. It would result in a total of 345 dwellings, an increase of 145 over that previously established by the HPP. As noted above, both National and Local Planning Policies encourage the effective use of previously developed land and there is therefore no in principle objection to the departure from the HPP to provide additional housing subject to compliance with other policies as discussed below in more detail.

#### ***Housing Mix***

- 7.3.3 In terms of dwelling sizes (eg. number of bedrooms), condition 21 of the HPP required the following mix for Phase 3.

1 bed	2 bed	3 bed	Total
54	137	9	200

- 7.3.4 The current application proposes:

1 bed	2 bed	3 bed	Total
115	188	42	345

- 7.3.5 The above tables demonstrate that in all cases, the current proposal would provide the mix required by condition 21 of the HPP, with additional dwellings provided in each category.
- 7.3.6 Policy CP3 of the Core Strategy (adopted October 2011) sets out the proportions that should form the basis for housing mix in development proposals. Proposals should broadly be for 30% 1-bed units, 35% 2-bed units, 34% 3-bed units and 1% 4+ bed units. Whilst the Core Strategy recognises that these proportions should form the basis for the housing mix for development proposals and provision across the District, it acknowledges that they may need to be adjusted for specific schemes to take account of market needs and site specific factors.
- 7.3.7 The current application proposes 33% (115) 1-bed units, 54% (188) 2-bed units and 12% (42). Although Policy CP3 requires a lower proportion of 2-bed units and a higher proportion of 3-bed units, the evidence submitted with the application indicates that the proposed mixture may be more appropriate to this specific regeneration project.
- 7.3.8 The site is located within a town centre and has good access to public transport services, shops and community facilities and is considered to be appropriate for higher density development with a higher proportion of smaller units than otherwise targeted by policy. The site represents an opportunity to play an important role in meeting the housing needs associated with the forecast increase in single household homes in the District. The proposed indicative mix reflects these local circumstances and is balanced towards 1 and 2 bed units. The submission identifies that a key priority for the Applicant has been to provide a good mix of housing sizes to cater for the local population and to integrate the development effectively into the surrounding context and earlier development phases. As such the proposals include 42 family homes including 20 traditional townhouses, which are carefully incorporated into the development to provide a greater choice of homes and contribute towards a fully balanced and sustainable community. It is noted that this mix was agreed with the Council's housing offer as part of the pre-application discussions prior to submission. It is also noted that this represents a significant uplift in terms of family housing when compared to the HPP, which would have seen only 9 x 3 bed houses provided or 4.5% provision compared to the proposed 12.2%.
- 7.3.9 As such, no objection is raised to the proposed housing mix.

### ***Affordable Housing***

- 7.3.10 Policy CP4 of the Core Strategy, supported by the approved Affordable Housing SPD, requires 45% of new housing to be provided as affordable housing. An indicative tenure split of 30% Intermediate (Shared Ownership) and 70% Social Rented is suggested. However the policy does set out that in assessing affordable housing requirements, the Council will take each case on its merits taking into account site circumstances and financial viability. 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.
- 7.3.11 Where policy requirements cannot be met due to viability, a Viability Assessment / Financial Appraisal must be submitted at the time of validation with a fee for independent assessment, as set out in the Council's adopted Validation Checklist. The application is accompanied by a Planning and Affordable Housing Statement and Viability Assessment.
- 7.3.12 The application proposes 65 affordable units (19%), with 33 (51%) Affordable Rented and 32 (49%) Shared Ownership (Intermediate).
- 7.3.13 The planning history is a material consideration. The HPP permitted the delivery of 514 dwellings of which 96 (19%) were to be affordable homes. This number of affordable units was accepted on the basis of viability evidence submitted with the HPP. To date, 314 dwellings have been completed or are under construction, including all 96 affordable

homes. The submitted Viability Statement sets out that all affordable homes were to be delivered in the earlier phases in order to provide rehousing opportunities for the existing residents living within the site. However, this resulted in unviable earlier phases which required the delivery of a wholly private Phase 3 in order to restore overall viability of the redevelopment.

- 7.3.14 The current application replaces the original 200 unit Phase 3 with a 345 unit scheme, an additional 145 units. The non-residential element (discussed below) remains materially unchanged between the schemes. Viability has been reviewed as part of the current application and this has resulted in 65 of the additional 145 homes being affordable, delivering 45% affordable housing on the additional density.
- 7.3.15 The viability assessment submitted with the current application has been reviewed and the review agrees that the proposal for 45% affordable homes on the uplift in unit numbers is the maximum viable level that the scheme can support.
- 7.3.16 The Housing Officer has advised that in terms of affordable housing, the preferred mix is 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units, with the main requirement for 2 bed 4 person units.
- 7.3.17 The proposed mix of affordable housing is summarised below:

Size	Units
1b2p	30 (46%)
2b3p	11 (17%)*
2b4p	19 (29%)*
3b5p	5 (8%)

\* combined 2 beds 30 (46%)

- 7.3.18 Whilst the proposed affordable housing mix would include a higher number of 1 bedroom units, the combined percentage of 2 bedroom units would be high and would support the requirement for 2 bed and 4 person units identified.
- 7.3.19 As such, no objection is raised with regards to the provision of affordable housing which would be secured via condition on any grant of consent.
- 7.4 Commercial Uses
- 7.4.1 Policy CP7 of the Core Strategy (adopted October 2011) sets out that where there is an identified need for new town centre development, Town and District Centres will be the focus for this development. South Oxhey is identified as a District / Key Centre.
- 7.4.2 Policy SA4 of the Site Allocations LDD (adopted November 2014) states that retail development will be acceptable in principle within the identified shopping hierarchy of centres including the District Centre at South Oxhey.
- 7.4.3 Policy SA6 of the Site Allocations LDD (adopted November 2014) states that the Council will promote the regeneration of South Oxhey to deliver improved access to services, improved shopping facilities, better quality leisure and community facilities and improved access to employment, education, skills and training.
- 7.4.4 Policy CP6 of the Core Strategy (adopted October 2011) relates to employment and economic development and supports sustainable growth.
- 7.4.5 The approved Development Schedule sets out the type and maximum quantity of development that can be provided across the South Oxhey redevelopment as a whole. This

permits up to 5,137 sqm of flexible town centre uses (Classes A1-A5, D1, D2, B1 and Bookmakers) including a foodstore of up to 1,714 sqm.

7.4.6 The current proposal includes 621 sqm of flexible town centre uses in addition to a 1,714sqm foodstore. With the exception of the foodstore, all units would remain flexible so as to not overly restrict the ability for future tenants to occupy the units. The mix of A1-A5, D1 and D2 will ensure an appropriate mix and would support the vitality and viability of the District Centre.

7.4.7 The vitality and viability of the District Centre is further enhanced by the proposals for the Market Square.

7.4.8 The proposal is in accordance with the Development Schedule in terms of the quantum and mix of units. It is considered that the proposed development would enhance the vitality and viability of this District Centre.

## 7.5 Layout, Scale and Massing

7.5.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to ensure that all development will contribute to the sustainability of the District. This includes taking into account the need to (n) 'promote buildings and public spaces of a high enduring design quality that respects local distinctiveness, is accessible to all and reduces opportunities for crime and anti-social behaviour'.

7.5.2 Policy CP12 of the Core Strategy (adopted October 2011) seeks to ensure that all development has a high standard of design. For example, development proposals should:

- have regard to the local context and conserve or enhance the character, amenities and quality of an area
- make efficient use of land whilst respecting the distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials
- ensure buildings and spaces are, wherever possible, orientated to gain benefit from sunlight and passive solar energy
- design out opportunities for crime and anti-social behaviour
- incorporate visually attractive frontages to adjoining streets and public spaces
- ensure all appropriate frontages contain windows and doors that assist informal surveillance of the public realm
- use high standards of building materials and finishes
- make a clear distinction between public and private spaces and enhance the public realm
- provide convenient, safe and visually attractive areas for the parking of vehicles and cycles without dominating the development or its surroundings.

7.5.3 The HPP granted approval for layout parameters which define development zones (within which buildings may be sited); land use frontage; zones within which streets must be sited; and zones for public open space. The layout is formed of a series of interconnecting character areas, Station Square; Market Place / Prestwick Road; The Mews; and The Western Apartments. The development zones would be broken down in scale by clearly defined streets providing connection. The new streets between the three new development Blocks fronting Prestwick Road will provide clear east – west connections between the Station, Market Place and more residential environment to the west.

### *Layout:*

7.5.4 Whilst the current application is submitted in full as it departs from the scale and massing parameters approved under the HPP in order to achieve an uplift in the number of residential

units, no significant changes have been made to the overall layout of the development forming Phase 3 in order that it complements the earlier phases of the development.

*Scale & Massing:*

- 7.5.5 Parameter Plans (Development Zones and Building Heights) approved with the HPP define the maximum envelope within which a building may be built. For Phase 3 these were (Parcel 3B) 4 storeys fronting Prestwick Road, reducing to 2 storeys in the centre with 4 storeys to the west facing Bridlington Road and (Parcel 3A) 5 and 6 storeys fronting Prestwick Road, reducing to 2 and 3 storeys in the centre and 4 storeys to the west facing Bridlington Road.
- 7.5.6 The current application proposes (Parcel 3B) 6 storeys fronting Prestwick Road to the east and Bridlington Road to the west, with the central element stepped between 3 and 5 storeys. Parcel 3A to the south would comprise 7 storeys fronting Prestwick Road to the east and 6 storeys fronting Bridlington Road to the west. As with Parcel 3B, the central element would be stepped and would range from 3 – 6 storeys.
- 7.5.7 Whilst an increase in building height is proposed, the stepped east to west cross-sections have been retained which will serve to break up the mass and bulk, add interest and define the different elements of the development. Similarly, it is noted that the highest element (7 storeys at corner of Prestwick Road and Oxhey Drive) would reflect the 7 storey element permitted as part of Phase 2 to the north at the corner of Prestwick Road and Fairfield Avenue.
- 7.5.8 Prestwick Road has been identified as a new public hub, refocusing the retail zone close to the station and introducing a new Market Square. The current application (Phase 3) will form a continuation of Phase 2 along this key frontage. As noted above, the height proposed at the corner of Prestwick Road and Oxhey Drive will reflect that permitted to the north under Phase 2, creating a sense of symmetry. The Design and Access Statement sets out that horizontal banding in the brickwork will balance the vertical elements.
- 7.5.9 The 6 storey development fronting Bridlington Road would be sited opposite 4 storey development permitted in earlier Phases. This would continue to represent an overall increase in height from west to east. The domestic streets running east to west would be of reduced scale. Recessed panels and framing within brickwork is proposed to provide articulation to the dwellings, with variations in the brick colour also creating individual identities.
- 7.5.10 It is considered that the height and mass of the proposed Phase 3 buildings have been carefully considered taking into account their town centre location, the previously approved masterplan and the surrounding context. The height along Prestwick Road continues that set out by the Phase 2 buildings, emphasising the importance of the new market place and the retail zone at the heart of South Oxhey anchoring the development by the Phase 2 landmark corner and Blocks P/Q with Lidl at ground floor, providing a wayfinding point.
- 7.5.11 In summary, it is considered that the scale has been carefully considered to optimise and make best use of this brownfield site in accordance with the National Planning Policy Framework, whilst respecting the surrounding context and the development accords with adopted policies in this regard.

*Materials:*

- 7.5.12 A materials strategy is included within the submitted Design and Access Statement. Predominant bricks are a red brick blend, brown brick and buff brick. These will be used in different combinations with a mix of light and dark mortar to create a variety of palettes. This approach will ensure consistency whilst also creating different character areas. Regard has also been had to the materials approved pursuant to the HPP and adjacent

Phase 2 development. No objection is raised to the materials indicated, however, samples would be required via condition.

7.5.13 There is no objection to the layout, scale and design which it is considered would be appropriate within this context and would support the regeneration of this District Centre.

## 7.6 Residential Amenity

7.6.1 Policy CP12 of the Core Strategy states that in seeking a high standard of design development proposals should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

### *Neighbouring Occupiers:*

7.6.2 With regards to Parcel 3B, Block O would be 6 storeys fronting Prestwick Road with a separation distance of approximately 40 metres to properties opposite. The central element of Parcel 3A (Block T) would be 2 – 5 storeys and would be bounded to the north by Phase 2, with the east to west access road providing separation. Block J to the west would be 6 storeys with Bridlington Road providing separation between Block J and earlier Phases (4 storeys) to the west.

7.6.3 With regards to Parcel 3A, Block P/Q fronting Prestwick Road would be 7 storeys, with a distance of approximately 40 metres to properties opposite. Block K/L to the west would be 6 storeys with Bridlington Road providing separation between Block K/L and earlier Phases (4 storeys) to the west. To the south Parcel 3B would front Oxhey Drive, with existing 2 storey residential dwellings on the opposite side of the road with a separation distance of approximately 27 metres. The proposed buildings ranging from 2 – 7 storeys would be significantly taller but are orientated north to south such that the highest elements are restricted to narrower flank elevations, with the south facing linking elements comprised of the lower 2 and 3 storey elements.

7.6.4 In order to fully consider the impact of the proposed development on residential amenity, a Daylight and Sunlight Assessment has been prepared. The Assessment notes that buildings to the north (Phase 2) are currently under construction, however, for the purposes of the assessment considers them in an 'as built' scenario. During the course of the application a Daylight and Sunlight Report was prepared by the BRE for Watford Rural Parish Council (WRPC). The WRPC Daylight and Sunlight Report challenges aspects of the applicant's Daylight and Sunlight Assessment and was submitted by WRPC as part of their objection to the planning application. In response, the applicant has submitted a 'Response to BRE Client Report for Daylight and Sunlight'. Daylight and sunlight are considered below.

7.6.5 The applicant's Daylight and Sunlight Assessment uses methodology from 'Site Layout Planning for Daylight and Sunlight: A Guide To Good Practice' (Second Edition, 2011) by Paul Littlefair of the BRE (Building Research Establishment), which is a **guide** [my emphasis] commonly used by architects. Whilst providing guidance, it is important to note that natural lighting is one of many factors in site layout design and thus the BRE Guidelines do specify that results should be considered flexibly and in the context of the site. The numeric methods used to assess impacts on the surrounding buildings are as follows:

**Vertical Sky Component (VSC):** VSC is a measure of the direct skylight reaching a point from an overcast sky. It is the ratio of the illuminance at a point on a given vertical plane to the illuminance at a point on a horizontal plane due to an obstructed sky.

For existing buildings, the BRE guideline is based on the loss of VSC at a point at the centre of a window, on the outer plane of the wall.

The BRE guidelines state that if the VSC at the centre of a window is less than 27% and it is less than 0.8 times its former value (i.e. the proportional reduction is greater than 20%), then the reduction in skylight will be noticeable, and the existing building may be adversely affected.

**Annual Probable Sunlight Hours (APSH):** This is the fraction of sunlit hours received by a surface. As a guide, for rooms within 90° due south the following targets are used:

1. 25% (or 80% of previous value)
2. (winter) > 5% (or 80% of previous value)
3. reduced by less than 4%

- 7.6.6 The applicant's Daylight and Sunlight Assessment notes that the BRE daylight and sunlight guidance was established in relation to a suburban environment. As such, it considers that the default BRE numerical criteria are based on 25-degree development angles, which are frequently inappropriate and unachievable in urban areas. This is acknowledged in the BRE guidance which states that the advice is not mandatory and that in a historic city centre or area with modern high rise buildings, a higher degree of obstruction may be unavoidable.
- 7.6.7 Appendix F of the BRE guidelines provides advice on setting alternative targets to assess daylight and sunlight. In many urban areas development angles of 40 degrees or more are common and a VSC of 18% has been a reasonable and accepted level of daylight.
- 7.6.8 Officers consider that South Oxhey is an urban centre and it is therefore recognised that tall buildings are commensurate with this environment. Taking into account the flexibility of the BRE guidance, the applicant's Daylight and Sunlight Assessment considers that a general VSC target of 18% is appropriate given the context of the site and officers consider this an appropriate approach. Whilst it is acknowledged that each application should be considered on its own merits, the applicant has provided details of a number of developments of similar scale where alternative values of 15 – 18% retained VSC have been considered acceptable.
- 7.6.9 With regards to daylight and sunlight, the report sets out that 32 properties containing 416 windows and 260 rooms were assessed and considers that the scheme demonstrates a good compliance with the BRE guidance.
- 7.6.10 With regards to daylight, 7 properties experience fully BRE compliant and unnoticeable reductions in VSC. Of the remaining properties, 14 experienced a reduction in VSC to primary windows of between 20-35%, which is considered acceptable in an urban environment. Five of the remaining properties only experience retained VSC of less than 18% on the first floor, whilst the ground floor enjoys VSCs of greater than 18%. The recently occupied properties within Block EF will have windows which will experience noticeable reductions to VSC, however, these flats form part of earlier Phases and occupants would be aware of the future development Phases.
- 7.6.11 With regards to sunlight, very few properties derogate from the BRE guidance with regards to APSH. Of the rooms assessed, only 4 experienced derogations, however, these are minor and each of the 4 rooms is left with at least 21% APSH which is considered adequate and overall sunlight levels remain good.
- 7.6.12 As such, the applicant's Daylight and Sunlight Assessment suggests that the impact of the proposal on surrounding properties in terms of over dominance and loss of light, whilst potentially noticeable, would not be so significant as to warrant refusal of the application.
- 7.6.13 Daylight/sunlight is one matter than should be considered as part of the planning balance, in the context of the policy framework which identifies South Oxhey as an area of regeneration that has been planned for through the Development Plan, and the significant planning benefits that this scheme will deliver in terms of housing delivery and affordable housing that otherwise will not come forward under a reserved matters application to the extant consent. It is acknowledged that there is an additional impact over and above the



parameters granted by the HPP, however, notwithstanding this, the proposed scheme will not have an overall unacceptable impact in daylight/sunlight terms.

- 7.6.14 It is acknowledged that the outlook from the surrounding properties would change significantly, but impact on a private view is not a material planning consideration and given the scale of existing development on the site and the fact that the proposal would vastly improve the quality and appearance of the area, creating a new sense of place and a new identity for South Oxhey, it is considered that the scheme would be a benefit to the overall area. In addition, the perception of overlooking experienced by neighbours may increase due to the increased height of the development, however, the relationship and inclusion of balconies is not an unusual relationship to be found in a high density town centre location and would be facing towards the front of neighbouring dwellings.

*Future Occupiers:*

- 7.6.15 An Internal Daylight Report has also been submitted which considers the internal daylight amenity for future occupiers. The metric used to assess the internal daylighting levels in each room is the **Average Daylight Factor (ADF)**: This is a measure of the average illuminance in a room compared to an unshaded external area. The BRE guidance sets performance targets for room types: 1% in bedrooms, 1.5% in living rooms and 2% in kitchens.
- 7.6.16 Habitable rooms at ground, first, second and third floor were assessed. It was not necessary to assess rooms at higher levels as the elevation of these means that daylight is unobstructed by surrounding development.
- 7.6.17 The 621 rooms assessed comprise of 388 bedrooms, 8 dining rooms, 11 kitchen/dining rooms, 139 living/dining rooms, 8 living rooms and 67 living/kitchen/dining rooms. 544 of the 621 habitable rooms tested across the proposed development will achieve the recommended ADF targets, which equates to a compliance rate of 88%.
- 7.6.18 The presence of balconies has an impact on ADF, however, it is recognised that the inclusion of private outdoor space is positive. The design and layout has been developed to maximise the daylight potential to new dwellings.
- 7.6.19 A Pedestrian Wind Comfort Analysis Report has been submitted. Simulations of the wind microclimate around the proposed South Oxhey development were conducted to quantitatively assess the effect of the site on pedestrian comfort levels in and around the immediate development area. Lawson comfort and distress plots have been produced to indicate the likely wind microclimate of the site. The Lawson comfort plots show that wind microclimate for the whole site is appropriate for its proposed uses.
- 7.6.20 All units within the proposed development have been carefully designed to meet or exceed the Nationally Described Space Standards and will be provided with private amenity space in the form of balconies or terraces. Communal amenity space is also provided through the provision of four separate high quality podium level courtyard gardens, which have been carefully designed to cater for the needs of all future residents with the provision of play space for families and quieter seating areas for older residents.
- 7.6.21 All flats within the proposed development will meet Building Regulations Approved Document Part M4 (2), which is the equivalent of the previous lifetime homes standards provided through the Hybrid Application. Furthermore, 6 ground floor units will be provided as Part M4 (3) wheel chair adaptable ensuring that the development will provide a range of options for all residents of the District.

*Amenity Space:*

- 7.6.22 As noted above, all dwellings will have a dedicated private amenity space, either by way of balcony or terrace (for every apartment) or private garden for houses. 4 podium gardens will provide additional communal space for residents.
- 7.6.23 Amenity space requirements are set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013) which requires 21 sqm for 1 bedroom flats with an additional 10 sqm for each additional bedroom.
- 7.6.24 The policy requirement is summarised in the table below:

1 bed units	115 x 21 = 2,415 sqm
2 bed units	188 x 31 = 5, 828 sqm
3 bed units	42 x 41 = 1,722 sqm
	Total: 9,965 sqm

- 7.6.25 The submitted plot schedule indicates that the private balconies/terraces would provide a total of 981 sqm. The podium gardens would provide an additional 2,376 sqm (including 577 sqm of play space) and will receive a good level of daylight. They also serve to minimise the visual impact of large areas of parking which would be located beneath the podiums.
- 7.6.26 Concerns were raised by Members when the preliminary report was discussed, as to the potential impact of the undercroft car parking on the amenity of users of the podium gardens. However, whilst the podiums are situated directly above the undercroft car parking there is no ventilation from the car parking into the podium, therefore the air quality in the courtyards will not be affected by the car parking below.
- 7.6.27 The development would provide a total of 3,348 sqm amenity space for future occupiers, a shortfall of 6,617 sqm.
- 7.6.28 Whilst the shortfall is noted, it is recognised that the current application will provide a significant increase in private communal amenity space through the provision of four new landscaped podiums, including 577 sqm of play space, which otherwise would not have come forward under the HPP (the landscaped podiums not being a feature of the original design).
- 7.6.29 It is also noted that the site already has good access to a number of public amenity green spaces within walking distances. There are 5 key green public amenity spaces within 400 metres of the site providing a variety of opportunities for informal recreation. There are a further 13 green public amenity spaces within walking distance (1km). There are formal recreational facilities available in 5 of these spaces, 3 of which specifically include children's playgrounds.
- 7.6.30 In addition to the private balconies/terraces and communal podiums provided for residents it is acknowledged that the development includes a significant uplift in the quality of the existing public realm and open spaces. The scheme will improve access to existing spaces in the local area by creating a permeable street network and an attractive walkable neighbourhood. The proposed public realm and open space provision will be to a high standard resulting in a significant improvement in the character, quality and usability compared to the existing provision, whilst enabling the development to deliver the core objectives of improving local services, delivering better homes, meeting housing need and making the most efficient use of this brownfield site in an accessible town centre location.

## 7.7 Highways, Access and Servicing

- 7.7.1 The Core Strategy recognises that Key Centres generally have good access to public transport. Policy PSP2 of the Core Strategy (adopted October 2011) states that development in Key Centres will contribute to an integrated approach to improve transport,

including public transport, and movement into and around the Key Centres and connectivity with all other centres in the District and adjacent counties.

- 7.7.2 Policy CP10 of the Core Strategy (adopted October 2011) relates to transport and travel and states that major development should be located in highly accessible areas, have a safe and adequate means of access and make provision for all users including people with mobility difficulties. It states that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District; appropriate in scale to existing transport infrastructure including public transport; and be integrated with the wider network of transport routes.
- 7.7.3 Policy DM10 of the Development Management Policies LDD (adopted July 2013) requires that adequate provision for the storage and recycling of waste should be fully integrated into design proposals.
- 7.7.4 South Oxhey Central is well served by public transport. It is located adjacent to Carpenders Park Station which forms part of the London Overground system, with peak time service frequencies of 3 trains per hour to Watford Junction / London Euston. It is also relatively well served by buses, with bus stops located at Station Approach and along Fairfield Avenue and Prestwick Road. The Station Approach area has been redeveloped as part of Phase 1B to provide an enhanced public realm and visitor experience.
- 7.7.5 HCC as Highway Authority raised some initial concerns to the application, however, amended and additional information has been submitted in response including the submission of a Stage 1 Road Safety Audit (RSA) and the submission of amended plans showing gates to be set back the required distance and the extent of public highway adjusted so that no balconies overhang the public highway. HCC as Highway Authority have reviewed the submitted details and now raise no objections to the grant of planning permission subject to conditions and a S106 agreement to secure relevant financial contributions.
- 7.7.6 The submitted RSA identifies risks associated with the crossing of Bridlington Road by pedestrians (identified by HCC as Highway Authority in their original comments). In response, an amended plan has been submitted which introduces a raised table at the junction of Bridlington Road and the Southern Link Road. HCC as Highway Authority have advised that the provision of this feature overcomes the primary basis for their original objection (reason 1 at paragraph 4.1.11.1 above).
- 7.7.7 Amended drawings have also been submitted which introduce tactile paving at all vehicular access points. HCC as Highway Authority have advised that this overcomes their second objection (reason 2 at paragraph 4.1.11.1 above).
- 7.7.8 The RSA identifies a concern that the proposed layout of the perpendicular parking area within The Parade may result in vehicles reversing out onto The Parade when a vehicle is entering the service road from Oxhey Drive or Prestwick Road or the Southern Link Road. There is a concern that poor visibility may increase the risk of collision between a vehicle exiting a car parking space and vehicles entering The Parade. However, as identified by the Designer Response, additional measures (vertical deflection) can be provided to assure low speeds within this area and HCC as Highway Authority consider it appropriate that these be secured by condition on any grant of consent.
- 7.7.9 Similarly, off-site highway works shall be required, by condition, prior to occupation and shall be delivered within the S278 necessary for the scheme.
- 7.7.10 HCC as Highway Authority raised some concerns regarding the removal of some mature on Oxhey Drive. Although they note that the principle was established at the time of the HPP, they comment that both HCC and TRDC have declared Climate Emergency's since that grant of consent. HCC recognise that felling may be appropriate where absolutely

necessary in instances where a tree is causing an obstruction to a public highway, public right of way or access to property or footpath. The RSA submitted with this application identifies that such an action is necessary. HCC has undertaken a review of the RSA and the subsequent Designers Response and has concluded that the Designer Response to the audit recommendation is acceptable, and therefore HCC support that the trees shall need to be removed.

- 7.7.11 Landscaping for each Phase of the South Oxhey development has been dealt with pursuant to condition 35 to the HPP which required a scheme of strategic site landscaping to cover all phases which shall include the location of all existing trees and hedgerows. This has been discharged in part on a phase by phase basis to date, therefore, as Phase 3 is coming forward as a FUL application rather than Reserved Matter it is appropriate that a landscaping condition is attached to this grant of consent. HCC as Highway Authority wish to be consulted on any discharge of conditions on this matter and would expect all new planting to be agreed within the site within areas of Highway to be of a value up to the value of the assets to be lost through the development.
- 7.7.12 In reviewing the submitted RSA, HCC as Highway Authority also note that no details have been provided regarding the colour palette of paving materials or kerb upstands and technical approval through the s278 agreement shall consider such matters.
- 7.7.13 With regards to accessibility, HCC as Highway Authority comment that the bus stops and services available are accurately identified in the Transport Assessment (TA) and there are several within 200m. The combination of the central location, adequate bus services and proximity of Carpenders Park station make this a sustainable site. HCC as Highway Authority have advised that there is scope for bus stop infrastructure upgrades close to the site as the stop on Oxhey Drive outside the site has a shelter, but no easy access kerbing (£8000). Additionally, whilst the stop for services in the opposite direction (Stop C, Prestwick Road) would be difficult to upgrade with easy access kerbing but would benefit from a display screen (£10,000). These financial contributions, as set out in section 7.22 below in more detail, are required to mitigate the direct impacts of the development, and therefore meet the statutory tests.
- 7.7.14 A Framework Travel Plan has been provided and HCC as Highway Authority have advised that they are broadly satisfied with the contents of the Travel Plan but note that it omits necessary information including interim co-ordinator contact, statement of senior commitment, Travel Plan steering group frequency, estimated frequency the TPC will be on site, Travel Pack contributions and evaluation. An updated Travel Plan would need to be submitted, similarly a monitoring and support contribution to the value of £6,000 would need to be secured as part of the S106 agreement. The monitoring and support contribution will enable HCC to ensure that the Travel Plan is successful in driving behaviour change.
- 7.7.15 HCC as Highways Authority have commented that balconies over sailing public highway are unacceptable. Whilst this is a road adoption issue which is separate to planning, amended plans have been submitted which show the extent of the proposed public highway throughout the site and its relationship with all the balconies and this shows that no over sailing of the public highway will occur.
- 7.7.16 In respect of cycle parking, HCC as Highway Authority acknowledge that their original response erroneously applied residential house standards, and quoted 1 space per dwelling, whereas for flats the requirement is 1 space per 2 dwellings. HCC as Highway Authority recognise that their previous objection (reason 3 at paragraph 4.1.11.1 above) is erroneous and they therefore retract this.
- 7.7.17 In summary, the additional information in the form of additional drawings, and associated RSA, subject to conditions and S106 requirements satisfy HCC as Highway Authority that it's' earlier concerns have been addressed and no objection is presented to development proposals.

## 7.8 Parking

7.8.1 Policy CP10 of the Core Strategy (adopted October 2011) states that development proposals must make provision for all users, including car and other vehicle parking, with priority to people with mobility difficulties, pedestrians, cyclists and equestrians.

7.8.2 Parking standards are set out in Appendix 5 of the Development Management Policies LDD (adopted July 2013), as follows:

C3 residential:

1 bedroom dwellings = 1.75 spaces (1 assigned space)

2 bedroom dwellings = 2 spaces (1 assigned space)

3 bedroom dwellings = 2.25 spaces (2 assigned spaces)

Appendix 5 also states that 'In areas of high accessibility and good service provision a reduction in the levels of parking for C3 Residential may be appropriate'.

Commercial:

A1 retail:

Foodstores up to 500 sqm = 1 space per 30 sqm

Foodstores up to 2500 sqm = 1 space per 18 sqm

Foodstores over 2500 sqm = 1 space per 15 sqm

Other retail = 1 space per 25 sqm

A2 financial and professional services = 1 space per 30 sqm

A3 restaurants and cafes = 1 space per 5 sqm of dining area plus 3 spaces per 4 employees

A4 drinking establishments = 1 space per 3 sqm of bar area plus 3 spaces per 4 employees

A5 takeaway shops = 1 space per 3 sqm of public area plus 3 spaces per 4 employees

D1/2 non-residential institutions / leisure = various depending on exact use.

Commercial parking standards can be reduced by up to 75% in Parking Zone 2.

7.8.3 On the basis of these standards, the development (Phase 3) would require:

Residential:

Type	Number	Standard	Requirement
1 bed	115	1.75 spaces (1 assigned space)	115 x 1.75 = 201.25 (115 assigned)
2 bed	188	2 spaces (1 assigned space)	188 x 2 = 376 (188 assigned)
3 bed	42	2.25 spaces (2 assigned spaces)	42 x 2.25 = 94.5 (84 assigned)
Total	345	N/A	<b>671.75 spaces (387 assigned)</b>

Commercial:

7.8.4 In total, 621 square metres of flexible 'town centre' floorspace (Use Classes A1, A2, A3, A4, A5, D1 and D2) is proposed within Phase 3 in addition to 1,754 sqm of retail floor space

(Class A1) which is proposed to be occupied by Lidl. It is proposed that the 621 sqm remains flexible so as to not overly restrict the ability for future tenants to occupy the units.

7.8.5 Appendix 5 of the Development Management Policies LDD (adopted July 2013) provides ranges, expressed as percentages of indicative demand based standards, which identify the degree of restraint that will normally be applied to new non-residential development within each zone type. In the case of zone 2 which includes the application site, the range is 25-50% of the indicative demand based standard. It is considered appropriate to apply a zonal reduction for the commercial uses.

7.8.6 As set out above, the parking standards for commercial uses vary and therefore an exact requirement cannot be calculated. It is likely that a large proportion of the units comprising the flexible town centre uses would be occupied in A1 use. On this basis, the flexible town centre uses would require 20.7 spaces (1 space per 30 sqm gross floor space), although this could be reduced to between 5.25 – 10.5 spaces due to the location of the site within zone 2. This is consistent with the approach taken at the time of the HPP.

7.8.7 The Lidl foodstore would have a floor area of 1,754 sqm and Appendix 5 requires 1 space per 18 sqm gross floor area which would equate to a requirement for 97.4 spaces, although this could be reduced to between 24.25 – 48.5 spaces due to the location of the site within zone 2.

7.8.8 The amount of parking is fixed by Condition 45 of the HPP which states;

*The number of permanent car parking spaces at South Oxhey Central shall be no less than a total number of 480, indicated to be as follows:*

*Residential car parking spaces: 326 (including a minimum of 59 car parking spaces in Parcel 1A)*

*Public car parking spaces:*

<b>Location</b>	<b>No. of spaces</b>
<i>Foodstore car park, Oxhey Drive</i>	<i>62</i>
<i>Prestwick Road, to front of Blocks O, P &amp; Q</i>	<i>44</i>
<i>Station Square car park</i>	<i>34</i>
<i>Visitor parking bays Bridlington Road</i>	<i>14</i>
<b>Total:</b>	<b>154</b>

7.8.9 It is acknowledged that there has been an uplift in the number of residential units with an addition 145 proposed as part of the current application which is discussed below, however, the principles established at the HPP stage are considered relevant.

7.8.10 In accordance with the requirements of Condition 45 of the HPP, 59 residential car parking spaces were provided within Parcel 1A. Condition 45 requires a further 267 residential car parking spaces to be provided across Phases 2 and 3. Whilst the condition specifies the overall minimum provision, it is not broken down on a phase by phase basis for Phases 2 and 3. Phase 2 proposed a total of 108 residential spaces, equating to 0.62 spaces per unit. The amount and distribution of residential parking within Phase 2 was therefore in accordance with the illustrative parking strategy submitted pursuant to the HPP. This would leave 159 residential spaces to be delivered under Phase 3. As noted above, it is acknowledged that this relates to the 200 residential units proposed under Phase 3 as part of the HPP and does not take into account the uplift of 145 units.

7.8.11 The current application proposes a total of 371 car parking spaces comprised of 268 residential spaces (235 within internal cores and 33 on street) and 103 commercial spaces (79 spaces for Lidl and a further 24 spaces to the front of Building B).

- 7.8.12 As set out at 7.8.3, there is a policy requirement for 671.75 residential spaces of which 387 should be assigned, to serve the residential aspects of the development. Provision of 268 residential spaces would result in a shortfall of 403.75 spaces. Whilst Appendix 5 does not apply a zonal reduction for residential parking standards, it does advise that in areas of high accessibility and good service provision a reduction in the levels of parking for residential may be appropriate.
- 7.8.13 The site benefits from being within an accessible location, both in terms of proximity to alternative modes of travel and essential social infrastructure, including employment, retail and education land uses. Residents of the site will not therefore be reliant on the car to travel to/from the site. Therefore, it is considered that the application site is in an area of high accessibility where a reduction in the levels of parking for residential is appropriate. As such, whilst the shortfall is noted, given that the proposed residential parking provision of 268 residential spaces would equate to a ratio of 0.77 spaces per unit which is above the 0.69 spaces per unit agreed at the time of the HPP and that the site is in an area of high accessibility, the level of residential parking is considered acceptable.
- 7.8.14 Whilst the level of residential parking is considered acceptable, allocation and management of the residential car parking spaces is also key and this would be controlled via a Parking Management Plan. A Parking Management Plan has been submitted, however, it is considered that this should be expanded to ensure the appropriate level of detail and as such a condition would be attached to any grant of consent.
- 7.8.15 With regards to public car parking spaces, Condition 45 of the HPP required a total of 154 spaces across Phases 1B, 2 and 3. Station Square car park (34 spaces) was delivered as part of Phase 1B with additional spaces in Station Square (9 spaces). A further 8 public car parking spaces are being delivered as part of Phase 2. The foodstore car park (Oxhey Drive) and Prestwick Road (front of Blocks O, P and Q) are due to come forward as part of Phase 3.
- 7.8.16 The current application proposes 103 commercial spaces (79 spaces for Lidl and a further 24 spaces to the front of Building B). The table below summarises the parking required at the HPP stage and what is being provided under the Reserved Matters and current FUL planning application.

<b>Public Car Parking</b>	<b>HPP Requirement</b>	<b>RM Applications &amp; Phase 3 (current application)</b>
Station Approach	34	43
Bridlington Road	14	4
Prestwick Road	44	41 (17 & 24)
Fairfield Avenue	0	4
Food Store	62	62
<b>Total</b>	<b>154</b>	<b>154</b>

- 7.8.17 The table above demonstrates that the amount of parking provided under the RM applications and current FUL application for Phase 3 accords with the HPP. In addition and as set out below, when considering the parking requirements for the current proposal in isolation, the current application also provides sufficient commercial/public spaces when a zonal reduction is applied. It is also noted that application 19/2117/FUL for the retention of the temporary car park is pending consideration and if permitted would result in the retention of 55 car parking spaces.

- 7.8.18 As set out at 7.85 and 7.86 above, there is a policy requirement for 97.4 spaces (reduced to between 24.25 – 48.5 spaces when applying zonal reduction) to serve the foodstore and a policy requirement for 20.7 spaces (reduced to between 5.25 and 10.5 spaces when applying zonal reduction) for the remaining commercial elements.
- 7.8.19 The current application proposes 79 spaces to serve the foodstore which exceeds that required when applying a zonal reduction. The 24 spaces proposed to serve the remaining commercial elements exceeds the policy requirement for 20.7 spaces.
- 7.8.20 Secure cycle parking is proposed in the form of 178 residential cycle spaces. This would comply with requirements of Appendix 5 of the Development Management Policies LDD (adopted July 2013) which requires 1 space per 2 units in the case of flats (equivalent to 173 spaces in this case). Provision would be secure internal space at ground floor level.
- 7.8.21 25 cycle spaces are also proposed within the public realm to serve the commercial elements. As the commercial uses are flexible, cycle parking has been provided in accordance with an A1 food store & A3 Café use which are the more robust standards as set out in Appendix 5. The cycle parking provided is therefore in accordance with the standards.

## 7.9 Public Realm, Open Space & Play Space

- 7.9.1 Prior to the commencement of the redevelopment of the wider site, the land at South Oxhey Central consisted of a hard paved pedestrian precinct and hard surfaced vehicle dominated environment. As a civic space, the precinct performed an important function, offering a different type of amenity for the community as a hard surfaced meeting space. It also provided for the weekly market which is an important community asset. Whilst the contribution was noted, it was recognised that there is potential for significant improvements to the location, quality and usability of the space in order to best serve the needs of the community and enhancements of the public realm have formed part of the previously consented Phases 1 and 2.
- 7.9.2 The proposed Market Place would be located to the front of Blocks M and N (Phase 2) adjacent to Prestwick Road and opposite Station Approach (Phase 1B) and would also extend south to the front of Block O which forms part of the current planning application. There will be a clear link between the public realm spaces within Station Approach and Market Place, which will assist in increasing footfall.
- 7.9.3 The hardsurfacing proposed would reflect that permitted for Phase 2 to ensure continuity, with rectangular defining bands and similar tree planting. Sitting areas alongside box shaped trees are located in the widened footway adjacent to Block O. Bridlington Road includes on street parking bays with trees in build outs to create a tree lined street – a total of 31 new trees are proposed as part of this application. Where ground floor units front a street they benefit from small private patios bounded by 1.2 metre high railings and hedging which will provide a green buffer between the dwellings and streets. The east-west link road would give priority to pedestrians and would provide a link between the Market Place and Ann Shaw Gardens.
- 7.9.4 Policy DM10 of the Development Management Policies LDD (adopted July 2013) requires that 2% of the site area be provided as play space which would equate to an area of 300 sqm in this case. The 4 communal podium gardens proposed would each include an element of playspace totalling 577 sqm which would exceed the policy requirement.
- 7.9.5 It is considered that the proposal would result in a significant uplift in the quality of the public realm and the proposal is acceptable in this regard in accordance with policies.

## 7.10 Trees and Landscaping



- 7.10.1 Policy DM6 of the Development Management Policies LDD states that development proposals should:
- *include landscaping proposals with new trees and other planting to enhance the landscape of the site and its surroundings*
  - *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*
  - *include suitable replacement planting where the felling of a tree or removal of a hedgerow is permitted.*
- 7.10.2 Policy DM7 refers to landscape character, stating that the Council will require all development proposals to make a positive contribution to the surrounding landscape.
- 7.10.3 Policy CP12 of the Core Strategy identifies that developments should be adequately landscaped and designed to retain, enhance or improve important natural features. It requires landscaping proposals to reflect the surrounding landscape of the area.
- 7.10.4 As discussed above, the site is currently dominated by hard surfaced areas with limited planting or soft landscaping. A full landscaping scheme is included as part of the proposed development and includes the planting of 31 new trees with just 6 existing trees removed to facilitate the development. The new tree planting is located to the highway boundaries of the development and gives the opportunity to improve the long-term amenity value of the tree resource. The scheme includes a comprehensive provision of landscaping at street level to complement and enhance both the existing streetscape and the emerging streetscape as Phase 2 under the HPP.
- 7.10.5 The Landscape Officer has reviewed the submitted details and raises no in principle objection, however, more detailed information is required in regard to species, size etc. to ensure that the loss of the original trees can be suitably mitigated.
- 7.10.6 Subject to conditions, the development is considered acceptable in terms of impact on trees and landscaping, in accordance with Policy CP912 of the Core Strategy (adopted October 2011) and Policies DM6 and DM7 of the Development Management Policies LDD (adopted July 2013).
- 7.11 Ecology
- 7.11.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.11.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.11.3 The application has been submitted with a Biodiversity Checklist, Bat Activity Survey and Preliminary Ecological Appraisal (PEA).
- 7.11.4 The PEA and Bat Activity Survey together confirm that the application site in its current format supports limited biodiversity interest. Section 7 of the PEA, along with the Design and Access Statement recommends a range of modest measures to ensure no overall net loss in biodiversity within the application site. Hertfordshire Ecology consider these measures to be both reasonable and proportionate for these particular circumstances,

however, to ensure that they are delivered an Ecological Management Plan (or similar) based on the recommendations made would be required to be secured via condition.

7.11.5 Specifically in terms of bats, the report acknowledged that the activity surveys were carried out outside the optimal bat emergence survey season and, furthermore, that none of the surveys was fully completed for a variety of reasons. Notwithstanding, Hertfordshire Ecology consider that sufficient evidence has been presented to conclude that the likelihood of any bats being reliant on the existing buildings for roosts or shelter is low, as suggested by the report. The bat report did suggest a number of general and specific measures (including further surveys) to avoid bats being harmed and offences being committed. Hertfordshire Ecology have advised that the following measures proportionate and should be secured by condition:

- Demolition should take place outside the active bat season (October to March inclusive).
- If demolition takes place in May 2020 as planned or between the months of April to September inclusive, the destruction of the potential roost features identified in Table 1 of the Bat report should proceed only under the supervision of a suitably qualified, experienced ecologist. Should evidence of bats found, work must cease immediately.

7.11.6 Subject to conditions, the development is considered acceptable in terms of impact on ecology in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

## 7.12 Sustainability

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

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

7.12.3 The application is accompanied by an Energy Statement prepared by Aecom (October 2019 Revision 2). The submitted Energy Statement sets out that the proposed development uses highly efficient fabric and systems to minimise the energy demand of the Site. The specification includes:

- Highly insulated walls, roofs and floors;
- High performance windows, to keep the spaces warm in winter and mitigate solar gains in the summer;
- High level of air tightness to reduce heat losses;
- High efficiency gas boilers; and
- Advanced heating controls to allow residents better control and automation of the temperature in their home.

7.12.4 These energy efficiency measures proposed have been calculated to deliver a 1% reduction in CO2 emissions.

- 7.12.5 In order to achieve the 5% reduction in CO2 emissions required by Policy DM4, the energy strategy proposes to use renewables (solar PV) to off-set the required 4% of emissions that remain after application of the energy efficiency measures.
- 7.12.6 Blocks P and Q have been selected as the most appropriate location for the PV. This is the tallest building in the area and as a result the PV panels are unshaded in addition to not being visually intrusive.
- 7.12.7 The development would comply with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013).

#### 7.13 Flood Risk and Drainage

- 7.13.1 Policy CP1 of the Core Strategy (adopted October 2011) 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 (SuDS). Since April 2015, SuDS are a compulsory requirement for all major development. Policy CP12 of the Core Strategy (adopted October 2011) states that resilience should be built into a site's design taking into account climate change.
- 7.13.2 Policy DM8 of the Development Management Policies LDD (adopted July 2013) 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. It states that there must be sufficient surface water drainage.
- 7.13.3 HCC as Lead Local Flood Authority (LLFA) raised an initial objection to the application in the absence of an acceptable surface water drainage assessment. Further information has been submitted during the course of the application which has been reviewed by the LLFA who have confirmed that the additional information has overcome their objections and they therefore raise no objection subject to conditions.
- 7.13.4 Thames Water raise no objection with regards to surface water or foul water.
- 7.13.5 Affinity Water raised an initial objection as they were concerned that the development had the potential to impact adversely the public water supply. Additional information was provided by the applicant and Affinity Water confirmed that they were satisfied that their concerns had been noted. They have requested details of any intrusive site investigations, drainage methodology and piling methodology. It is standard practice to impose conditions in relation to these points and this process was followed with the HPP. Condition 022 (Contamination) of the HPP requires that following demolition of the existing structures a Post Demolition Contamination Survey shall be carried out and a report submitted to and approved in writing by the LPA. Condition 026 (Flood Mitigation and Drainage) requires that details of how any SuDS (Sustainable Drainage Scheme) measures shall be managed and maintained following occupation of the development shall be approved by the LPA. Condition 21 (Piling and vibro compaction machinery) requires that no piling or any other foundation designs using penetrative methods shall be undertaken other than with the written consent of the LPA. Similar appropriate conditions are suggested below and Affinity Water will be consulted on details provided where appropriate. Local Planning Authority.

#### 7.14 Waste and Minerals

- 7.14.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
  - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers

iii) There would be no obstruction of pedestrian, cyclists or driver sight lines

7.14.2 Regard should also be had to the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 as well as the National Planning Policy for Waste (2014).

7.14.3 Environmental Protection colleagues are reviewing the submitted details and their comments are awaited at this time.

7.14.4 The County Council as Waste and Minerals Authority raise no objection subject to the submission of a Site Waste Management Plan (SWMP). The SWMP should cover both waste arising during the demolition and construction phases as the waste from construction will be of a different composition to that arising from the demolition. As a minimum the waste types should be defined as inert, non-hazardous and hazardous. A condition requiring submission of a SWMP is included.

#### 7.15 Contamination

7.15.1 Policy CP1 of the Core Strategy (adopted October 2011) 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 (adopted July 2013) states that development must protect the quantity and quality of surface and groundwater resources from aquatic pollution. Policy DM9 refers to contamination and pollution control.

7.15.2 The HPP was accompanied by a Land Contamination Assessment and a Preliminary Ground Water Risk Assessment. The site is located within an area of a Minor Aquifer but no groundwater was encountered during the soils investigation exploratory works. The Environment Agency advised that the reports did not suggest any signs of major contamination. However, it was recommended that further site investigation work was carried out at South Oxhey Central to ascertain the deeper ground conditions below the site to allow piling design to take place. It was also considered that following demolition of the existing structures, a post demolition contamination survey should also be undertaken, comprising a series of excavated trial pits along with further contamination testing and analysis. These requirements are controlled by condition on the HPP and have been satisfied for Phases 1 and 2. As this current application is a standalone FUL application rather than Approval of Details, it would be appropriate and necessary for relevant conditions as suggested by Environmental Health at 4.1.4 above to be attached to secure the above requirements for Phase 3.

7.15.3 Subject to appropriate conditions, the development would comply with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013) in this regard.

#### 7.16 Air Quality

7.16.1 Policy DM9 of the Development Management Policies LDD (adopted July 2013) refers to contamination and pollution control. It states that development will not be permitted where it would have an adverse impact on air pollution levels or would be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.

7.16.2 An Air Quality Assessment has been submitted with the application and has been reviewed by Environmental Health who raise no objection subject to conditions/informatives.

7.16.3 The Assessment sets out that the results of the construction phase dust assessment indicate that, without mitigation, construction phase impacts can be described as medium to high risk with regard to dust soiling, and low risk in terms of human health. Mitigation measures can be employed to lessen nuisance and human-health impacts of dust, which

can reduce impacts to a level where significant impact will occur. Mitigation measures would be secured via condition.

- 7.16.4 In relation to the operational impact of the development on local air quality, the Assessment sets out that predicted concentrations of contaminants at relevant exposure will be below the air quality objectives.
- 7.16.5 Members raised concerns regarding the impact of the car parks on the podium gardens above them. However, whilst the podiums are situated directly above the undercroft car parking there is no ventilation from the car parking into the podium, therefore the air quality in the courtyards will not be affected by the car parking below.
- 7.16.6 Conditions regarding a Construction Environment Management Plan; Dust Management Plan; wheel washing and provision of EV charging points are suggested by Environmental Health. Informatives regarding the use of Euro 6 vehicles where possible and following relevant guidance such as the IAQM guidance are also requested.
- 7.16.7 Subject to appropriate conditions, the development would comply with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013) in this regard.

#### 7.17 Noise Pollution

- 7.17.1 Policy DM9 of the Development Management Policies LDD (adopted July 2013) states that development will not be permitted where it would have an adverse impact on the acoustic environment of existing or planned development, would have an unacceptable impact on countryside areas of tranquillity, or would be subject to unacceptable noise levels or disturbance from existing noise sources whether irregular or not. Reference is made to Appendix 4 of the Development Management Policies LDD (adopted July 2013) which sets out noise exposure categories for residential development.
- 7.17.2 The HPP was accompanied by a Noise Impact Assessment and no objection was raised to the findings/recommendations. The current FUL application departs from the parameters agreed at Outline stage and therefore a revised Noise Impact Assessment has been submitted with the current application.
- 7.17.3 The Noise Impact Assessment concludes that the site is appropriate for residential development. For facades along Henbury Way as well as facades facing away from main roads, no specific acoustic mitigation is required as internal sound level criteria can be achieved with windows open. For facades directly facing Prestwick Road and Oxhey Drive, it has been identified that windows would need to remain closed in order to achieve the internal ambient noise criteria for residential spaces. When windows are opened then internal ambient noise criteria may be exceeded, however, such occurrences are likely to be limited and this will be at the discretion of the room occupant. Alternative forms of ventilation (e.g. acoustically attenuated trickle vents) for these facades will be required.
- 7.17.4 Recommendations for operational noise limits for site activities, fixed plant and building services have also been provided.
- 7.17.5 Environmental Health have reviewed the submitted Assessment and raise no objections as long as the recommendations of the Noise Impact Assessment are incorporated to ensure that the required standards are achieved. This would be secured via condition on any grant of consent.
- 7.17.6 Subject to appropriate conditions, the development would comply with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 and Appendix 4 of the Development Management Policies LDD (adopted July 2013) in this regard.

#### 7.18 Lighting

7.18.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to the design of development and states that development should make a clear distinction between public and private spaces and enhance the public realm. Policy DM9 of the Development Management Policies LDD (adopted July 2013) states that lighting proposals should ensure that:

- i) Proposed lighting schemes are the minimum required for public safety and security
- ii) There is no unacceptable adverse impact on neighbouring or nearby properties
- iii) There is no unacceptable adverse impact on the surrounding countryside
- iv) There is no dazzling or distraction to road users including cyclists, equestrians and pedestrians
- v) Road and footway lighting meets the Country Council's adopted standard
- vi) There is no unacceptable adverse impact on wildlife
- vii) Proposals in the vicinity of habitats and habitat features important for wildlife ensure that the lighting scheme is sensitively designed.

7.18.2 The Design and Access Statement sets out details of the proposed lighting strategies. It states that;

*"The strategy for the Podium Gardens is to have low level lighting to illuminate the pathways but avoid intruding into the units and surrounding the gardens. Fittings would comprise wall lights set into the planter walls and bollard lights in other areas.*

*The roads and public realm is mostly illuminated by column lights to HCC standard. However the Market Place alongside Block O would have light pole to match the Market Place in Parcel 2B with uplights into the trees alongside the pedestrian route".*

7.18.3 Details of lighting are controlled by condition on the HPP, however, as this is a standalone planning application rather than a Reserved Matters application, appropriate conditions are included.

## 7.19 Historic Environment

7.19.1 Policy DM3 of the Development Management Policies LDD (adopted July 2013) states that development outside but near to a Conservation Area should not adversely affect the setting, character, appearance or views into or out of the Conservation Area. It also states that development should not adversely affect the character of Listed Buildings. Where an application site has the potential to include heritage assets with archaeological interest, development proposals must be accompanied by a desk-based assessment and potentially a field evaluation.

7.19.2 Policy CP12 of the Core Strategy (adopted October 2011) relates to design of development and states that, in seeking a high standard of design, the Council will expect all development proposals to conserve and enhance natural and heritage assets.

7.19.3 The site is not located within a Conservation Area. Oxhey Hall Conservation Area is located approximately 750 metres to the north west with Oxhey Hall, a Scheduled Monument and a Grade II\* Listed Building beyond this. Watford Heath Conservation Area is also located some 1.2km to the north of the site. The nearest Listed Building is Oxhey Chapel (All Saints Church, Grade II\*) located on Gosforth Lane approximately 400 metres north west of the site. An archaeological area lies to the west of the site.

7.19.4 It is not considered that the proposal would result in any significant impact on the character and appearance of the Conservation Areas or the setting of the Listed Buildings in the vicinity.

- 7.19.5 The Historic Environment Desk-Based Assessment submitted with the HPP identified that there were no previously recorded heritage assets at the site.
- 7.19.6 The development accords with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013) in this regard.
- 7.20 Crime
- 7.20.1 Policy CP12 of the Core Strategy (adopted October 2011) seeks to ensure that all development has a high standard of design and should design out opportunities for crime and anti-social behaviour.
- 7.20.2 The applicant has confirmed that they are committed to providing safe and secure developments and that this will include achieving 'Silver' Secured by Design accreditation for the physical envelope (doors and windows) of the Phase 3 development, which is above the minimum requirements for residential developments. An advisory informative is suggested.
- 7.20.3 The Crime Prevention and Design Advisor raises no objections having reviewed the submitted details.
- 7.21 CIL
- 7.21.1 The Three Rivers Community Infrastructure Levy (CIL) came into force on 1 April 2015. This is a charge on new developments for use towards infrastructure projects within the District. As set out in the adopted CIL Charging Schedule (February 2015), it has been judged on the basis of viability that there is a £nil charge for development in the area within which the application site is located (Zone C).
- 7.21.2 Provision of, and contributions towards, such facilities and services for the South Oxhey regeneration scheme must therefore be secured via a Section 106 Agreement or conditions as appropriate.
- 7.22 Planning Obligations
- 7.22.1 Policy CP8 of the Core Strategy states that development should provide, or make adequate contribution towards, infrastructure and services to make a positive contribution to safeguarding or creating sustainable and linked communities, to offset the loss of any infrastructure through compensatory provision and to meet ongoing maintenance costs where appropriate.
- 7.22.2 Policy CP4 of the Core Strategy provides the policy basis to seek to secure a proportion of dwellings to be provided as affordable housing. It seeks an overall provision of 45% which in most cases should be provided on site. It states that '*in assessing affordable housing requirements including the amount, type and tenure mix, the Council will treat each case on its merits, taking into account site circumstances and financial viability*'.
- 7.22.3 Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition, and must meet all three of the following CIL Regulation 122 tests if they are to be treated as a reason to grant planning permission:
- necessary to make the development acceptable in planning terms
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development
- 7.22.4 Any costs associated with planning obligations should be accounted for in any assessment of scheme viability and impact on the residual funding available for affordable housing is a consideration.

### **Three Rivers requirements**

7.22.5 Policy CP4 of the Core Strategy (adopted October 2011) seeks an overall provision of around 45% of all new housing to be affordable and states that in assessing the affordable housing requirements that each case will be treated on its own merits taking into account site circumstances and financial viability. The proposal includes 65 affordable units, with 33 (51%) Affordable Rented and 32 (49%) Intermediate. This represents 45% of the uplift and has been agreed as acceptable on the basis of viability. The provision of this affordable housing would be secured via condition. The Affordable Rent level will be set at a level which has been determined as being genuinely affordable to those in housing need. The proposal therefore meets the requirements of Policy CP4.

### **Hertfordshire County Council (HCC) & NHS requirements**

7.22.6 HCC as Highway Authority, HCC Property Services and NHS Herts. Valleys have requested financial contributions. These are set out in the table below.

HCC Highways	Travel Plan monitoring and support contribution.	£6,000
	Easy access kerbing (to upgrade the kerbing access to the stop on Oxhey Drive outside the site).	£8,000
	Display screen (to provide a display screen to the stop for services in the opposite direction).	£10,000
HCC Property Services	Primary Education (towards the expansion of Woodhall Primary School from 1 form of entry to 2 forms of entry).	£104,332
	Secondary Education (towards the expansion of Rickmansworth Secondary School from 6.5 form of entry to 7.5 forms of entry).	£74,523
	Library Services (towards the enhancement for a project to increase the capacity of the ICT offer at Oxhey Library through provision of additional IT resources for adults, children and young people).	£15,169
	Youth Services (towards refurbishing the entrance and office space of the South Oxhey Young People's Centre, as well as improvements to the main recreation area and additional cosmetic enhancements to ensure that the Young People's Centre continues to be an attractive and vibrant space for the increased	£1,961



	number of young people moving into the area as a result of this development).	
NHS	GP surgeries (to provide any additional services they consider are required to mitigate the impact of the development).	£259,515.90
		Total: £479,500.90

- 7.22.7 Overall it is considered that these contributions are required to mitigate the direct impacts of the development, and therefore meet the statutory tests. The figures are calculated using the current HCC Toolkit and are based on the proposed net uplift in dwellings, with specific projects identified.
- 7.22.8 HCC have also requested the provision of fire hydrants to be secured via a S106 Agreement, however, it is considered appropriate in line with TRDC current practice that this be secured by planning condition instead.
- 7.22.9 The S106 completed with the HPP secured contributions for the 514 dwellings, including 200 market dwellings which were to be delivered as Phase 3. As such, the contributions set out in the table above are based on the uplift (145 dwellings). The S106 associated with the HPP had a series of triggers at which payments should be made, with the final 30% of contributions payable prior to occupation of the 350<sup>th</sup> dwelling. Phases 1 and 2 fully built out will provide 314 dwellings, 36 short of the final trigger which would have been met following construction of Phase 3. As the current application has come forward as a Full application rather than Approval of Details, it is necessary to also ensure that the current S106 picks up the final 30% of contributions associated with the HPP.
- 7.22.10 A S106 Agreement to secure the above financial contributions is being progressed.

### ***Network Rail requirements***

- 7.22.11 Network Rail (NR) have requested funding for additional cycle racking and for the enhancement of waiting and toilet facilities, although no figures have been specified. Whilst their comments are noted, it is not considered that the request meets the tests set out in the Community Infrastructure Levy Regulations (2010), Regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework.
- 7.22.12 The proposed development follows the approval of the HPP in 2016 for 514 new homes. The HPP has subsequently been implemented with Phase 1A, Phase 1B completed and Phase 2 currently under construction. NR were consulted on the HPP and provided comments, however, no contributions were sought by NR for improvements to the existing station facilities to make the development acceptable. Notwithstanding, as part of Phase 1B of the HPP Station Approach has been redeveloped and it is reasonable to consider these works as a benefit towards the station on the basis that they provided a more attractive arrival space for visitors approaching from the station, an enhanced public realm and the provision of new cycle spaces.
- 7.22.13 The remaining number of homes which could be brought forward under Phase 3 of the HPP as a reserved matters application is 200. The current application proposes 345 new homes, which equates to an additional 145 new homes. NR did not consider the provision of 514 new homes secured through the HPP to require financial contributions towards the facilities at Carpenders Park Station to make the development acceptable. As set out above, the proposed development provides only an additional 145 new homes when compared to the

HPP and it is not considered that the additional 145 new homes will have a perceivable impact on Carpenters Station that would require the inclusion of new planning obligations to make the development acceptable in planning terms. Neither is it fair or reasonable when considered in the context of the wider HPP which has provided significant planning benefits to the station, in the form of new public realm including new bus stops, drop off and disabled parking.

## **7.23 Tilted Balance & Conclusion**

- 7.23.1 The LPA cannot demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF (2019) is engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking “the policies which are most important for determining the application are out-of-date when the LPA cannot demonstrate a five year supply of deliverable housing sites”. The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). Paragraph 11 continues, “Plans and decisions should apply a presumption in favour of sustainable development... where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: a) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or b) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole”.
- 7.23.2 The NPPF identifies that there are three dimensions to sustainable development; social, economic and environmental. The social benefits of the scheme would include a significant contribution towards making up the shortfall in housing in the district therefore facilitating the Government’s aim of boosting the supply of housing. The economic benefits of the scheme includes the ability for the future occupiers to support the local economy by using the amenities in South Oxhey. In terms of the environmental benefits, the principle of residential development is acceptable in this location and the site does not reside within an area of particular importance (i.e. Green Belt, ANOB – see footnote 6 of the NPPF) and significant public realm improvements are also proposed.
- 7.23.3 Whilst some individual elements of the proposal, taken in isolation, may not fully accord with TRDC policy or standards, the proposal requires assessment as a whole. Any shortfalls must be viewed in this context. Overall the proposal is an opportunity for a substantial uplift of the South Oxhey area in accordance with the requirements of Policies PSPS2 and CP1 of the Core Strategy (adopted October 2011) and Policy SA6 of the Site Allocations Local Development Document (adopted November 2014) and is therefore recommended for approval.
- 7.23.4 Taking into account all of the considerations forming part of this application, it is concluded that any adverse impacts of granting planning permission would not outweigh the benefits and on this basis approval is recommended.

## **8 Recommendation**

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

### **C1 Time Limit**

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

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

## C2 Plans

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

SOX-BPTW-ZZ-ZZ-DR-A-0110 C01 (Phase 3 site location plan)  
SOX-BPTW-ZZ-ZZ-DR-A-0111 C01 (Phase 3 block plan)  
SOX-BPTW-ZZ-ZZ-DR-A-0120 C01 (Phase 3 existing site plan)  
SOX-BPTW-ZZ-ZZ-DR-A-0130 C06 (Phase 3 site plan)  
SOX-BPTW-01-00-DR-A-1050 C01 (Parcel 3B ground floor plan)  
SOX-BPTW-01-01-DR-A-1051 C01 (Parcel 3B first floor plan)  
SOX-BPTW-01-02-DR-A-1052 C01 (Parcel 3B second floor plan)  
SOX-BPTW-01-03-DR-A-1053 C01 (Parcel 3B third floor plan)  
SOX-BPTW-01-04-DR-A-1054 C01 (Parcel 3B fourth floor plan)  
SOX-BPTW-01-05-DR-A-1055 C01 (Parcel 3B fifth floor plan)  
SOX-BPTW-01-06-DR-A-1056 C01 (Parcel 3B roof plan)  
SOX-BPTW-02-00-DR-A-1060 C01 (Parcel 3A ground floor plan)  
SOX-BPTW-02-01-DR-A-1061 C01 (Parcel 3A first floor plan)  
SOX-BPTW-02-02-DR-A-1062 C01 (Parcel 3A second floor plan)  
SOX-BPTW-02-03-DR-A-1063 C01 (Parcel 3A third floor plan)  
SOX-BPTW-02-04-DR-A-1064 C01 (Parcel 3A fourth floor plan)  
SOX-BPTW-02-05-DR-A-1065 C01 (Parcel 3A fifth floor plan)  
SOX-BPTW-02-06-DR-A-1066 C01 (Parcel 3A sixth floor plan)  
SOX-BPTW-02-07-DR-A-1067 C01 (Parcel 3A roof plan)  
SOX-BPTW-ZZ-XX-DR-A-2021 C03 (Site Elevations 01-02)  
SOX-BPTW-ZZ-XX-DR-A-2022 C03 (Site Elevations 03-04)  
SOX-BPTW-ZZ-XX-DR-A-2023 C03 (Site Elevations 05-06)  
SOX-BPTW-ZZ-XX-DR-A-2031 C03 (Parcel 3B Elevations 07-08)  
SOX-BPTW-ZZ-XX-DR-A-2032 C03 (Parcel 3B Elevations 09-14)  
SOX-BPTW-ZZ-XX-DR-A-2033 C03 (Parcel 3B Elevations 15-16)  
SOX-BPTW-ZZ-XX-DR-A-2041 C03 (Parcel 3A Elevations 17-18)  
SOX-BPTW-ZZ-XX-DR-A-2042 C03 (Parcel 3A Elevations 19-24)  
SOX-BPTW-ZZ-XX-DR-A-2043 C03 (Parcel 3A Elevations 25-26)  
SOX-BPTW-ZZ-XX-DR-A-2201 C03 (Existing site sections AA-BB)  
SOX-BPTW-ZZ-XX-DR-A-2202 C03 (Existing site sections CC-DD)  
SOX-BPTW-ZZ-XX-DR-A-2210 C03 (Site sections North – South)  
SOX-BPTW-ZZ-XX-DR-A-2211 C03 (Site sections East – West)

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP6, CP7, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM8, DM9, DM10, DM11, DM12, DM13 and Appendices 2, 4 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy SA1 of the Site Allocations LDD (adopted November 2014).

## C3 Affordable Housing

No development shall take place until a scheme for the provision of sixty five dwellings to be constructed on the site pursuant to the planning permission as Affordable Housing has been submitted to and approved in writing by the Local Planning Authority. The Affordable Housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the nine x one-bed two person units, five x two-bed three person units, fourteen x two-bed four person units and five x three-bed five person units identified in the table below which shall be constructed on the site and provided as Affordable

Rented Dwellings.

- ii. The twenty one x one-bed two person units, six x two-bed three person units and five x two-bed four person units identified in the tables below which shall be constructed on the site and provided as Shared Ownership Dwellings.

Block K (Plan references SOX-BPTW-02-00-DR-A-1060 C01, SOX-BPTW-02-01-DR-A-1061 C01, SOX-BPTW-02-02-DR-A-1062 C01, SOX-BPTW-02-03-DR-A-1063 C01, SOX-BPTW-02-04-DR-A-1064 C01 and SOX-BPTW-02-05-DR-A-1065 C01)

	1B2P	2B3P	2B4P	3B5P
Affordable Rent	K2.05, K2.06, K2.07, K3.05, K3.07, K4.05, K4.07, K5.05, K5.07,	K0.01, K0.02, K3.06, K4.06, K5.06,	K1.01, K1.02, K2.01, K2.02, K2.04, K3.01, K3.02, K3.04, K4.01, K4.02, K4.04, K5.01, K5.02, K5.04,	K1.03, K2.03, K3.03, K4.03, K5.03,

Block L (Plan references SOX-BPTW-02-00-DR-A-1060 C01, SOX-BPTW-02-01-DR-A-1061 C01, SOX-BPTW-02-02-DR-A-1062 C01, SOX-BPTW-02-03-DR-A-1063 C01, SOX-BPTW-02-04-DR-A-1064 C01 and SOX-BPTW-02-05-DR-A-1065 C01)

	1B2P	2B3P	2B4P	3B5P
Shared Ownership	L1.01, L1.02, L1.04, L2.01, L2.02, L2.03, L2.04, L2.06, L3.01, L3.02, L3.04, L3.06, L4.01, L4.02, L4.04, L4.06, L5.01, L5.02, L5.04, L5.06,	L0.01 L3.03, L4.03, L5.03,	L1.03, L2.05, L3.05, L4.05, L5.05,	

Block U (Plan references SOX-BPTW-02-00-DR-A-1060 C01, SOX-BPTW-02-01-DR-A-1061 C01, SOX-BPTW-02-02-DR-A-1062 C01, SOX-BPTW-02-03-DR-A-1063 C01, SOX-BPTW-02-04-DR-A-1064 C01, SOX-BPTW-02-05-DR-A-1065 C01 and SOX-BPTW-02-06-DR-A-1066 C01)

	1B2P	2B3P	2B4P	3B5P
Shared Ownership	U3.07	U3.08, U3.13		

- iii. the timing of the construction of the Affordable Housing and its phasing in relation to the occupancy of the Market Housing;
- iv. the arrangements for the transfer of the Affordable Housing to an Affordable Housing Provider or the arrangements for the management of the Affordable Housing if those dwellings are not to be transferred to a Affordable Housing Provider;
- v. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the Affordable Housing; and
- vi. the occupancy criteria to be used for determining the identity of occupiers of the Affordable Housing and the means by which such occupancy criteria shall be enforced.
- vii. the timing of the completion of a Nominations Agreement to be entered into formalising the details to be agreed in respect of paragraphs (iv) and (v) above (in any event that Nominations Agreement to be completed prior to first Occupation of the Affordable Housing)
- viii. the arrangements for the use of any Net Proceeds following the sale of an interest in any of the Affordable Housing (in accordance where applicable with Homes England guidance)

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

- (A) any rights to acquire pursuant to the Housing Act 1996 or any equivalent statutory provision for the time being in force;
- (B) any right to buy pursuant to the Housing Act 1985 or any equivalent statutory provision for the time being in force;
- (C) where a tenant of a Shared Ownership Dwelling granted a Shared Ownership Lease has purchased the remaining shares so that the tenant owns the entire Shared Ownership Dwelling).
- (D) the restriction upon the use and disposal of the Affordable Housing shall cease to apply to the whole or any part of an Affordable Dwelling (hereafter referred to as the 'Affected Affordable Dwelling') where that whole or part is transferred or leased, pursuant to an event of default by any mortgagee or chargee of the Affordable Housing Provider or the successors in title to such mortgagee or chargee, or by any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 (hereafter referred to as the "Chargee"), PROVIDED THAT:
  - (i) the Chargee has first given the Council and the Affordable Housing Provider (as appropriate) 5 (five) months prior notice in writing (the "Chargee's Notice") of its intention to exercise any power of sale or lease in respect of any Affected Affordable Dwelling; and
  - (ii) the Chargee has first given the Council or the Affordable Housing Provider the opportunity to complete a transfer of the Affected Affordable Dwelling in order to ensure that it continues to be used for the purposes of Affordable Housing. The Chargee's Notice shall not be a valid Chargee's Notice unless it is accompanied by a conveyancer's certificate signed and dated by the conveyancer and confirming that, at the date of the notice, the Chargee giving the notice is entitled to execute a transfer of the freehold of the Affected Affordable Dwelling and all land required to gain access to the Affected Affordable Dwelling from the public highway; and
  - (iii) the price for the purchase of the Affected Affordable Dwelling by the Council or the Affordable Housing Provider demanded by the Chargee shall not be permitted to exceed the market value of the Affected Affordable Dwelling at the date of the transfer on the valuation assumption that it is to be retained in perpetuity as Affordable Housing.
  - (iv) If the Council or the Affordable Housing Provider is unable to secure the transfer of the Affected Affordable Dwelling under the terms and in the

circumstances described above within the said period of 5 (five) months in accordance with sub-paragraph (i) above then the Chargee shall be entitled to dispose of the Affected Affordable Dwelling on the open market not subject to the condition above that it shall not be used for any other purpose than as Affordable Housing.

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

#### C4 Dust Management Plan

Prior to the commencement of the development hereby permitted, a Dust Management Plan shall be submitted for the written approval of the Local Planning Authority. The Dust Management Plan shall include best practicable means to be incorporated to minimise dust caused by the permitted operations and to prevent the emission of dust from the site. The management of dust emissions shall thereafter be carried out in accordance with the approved plan.

Reason: This is a pre-commencement condition in the interests of the amenities of surrounding occupiers during the construction of the development and to meet the requirements of Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

#### C5 Construction Management Plan

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

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste);
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: This is a pre-commencement condition in order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

#### C6 Site Waste Management Plan

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) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

#### C7 Ecological Management Plan

A five year Ecological Management Plan based on the recommendations within the South Oxhey Initiative – Phase 3 Preliminary Ecological Appraisal' (PEA) and Bat Activity Survey (both AECOM, both October 2019) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The Ecological Management Plan shall be implemented in accordance with the approved details prior to occupation of the development.

Reason: This is a pre-commencement condition to enhance opportunities for wildlife in accordance with Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

#### C8 Drainage Scheme – final design

Prior to the commencement of development, excluding any demolition, the final design of the drainage scheme shall be completed and sent to the Local Planning Authority for approval. The surface water drainage system will be based on the submitted surface water drainage assessment dated 11 October 2019 reference A5981 Rev F3 carried out by ctp consulting engineers. The scheme shall also include:

1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
2. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features such as lined permeable paving.
3. Provision of half drain down times within 24 hours.
4. Silt traps for protection of any residual tanked elements.

The development shall thereafter be carried out in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

#### C9 Murals

Prior to demolition of the relevant blocks, a photographic record of the existing murals must be taken and must be displayed prior to occupation of the development in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a prior to demolition condition to ensure that a record of the murals is kept and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM12 of the Development Management Policies LDD (adopted July 2013).

#### C10 Contamination - Identification

Following demolition of the existing structures and prior to the commencement of below ground works approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) A site investigation scheme, based on the Phase 1 Desk Study & Site Reconnaissance Report prepared by Leap Environmental Ltd (Report ref. LP2047/3) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
- ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Reason: This is a pre-commencement condition to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

#### C11 Delivery and Servicing Plan

No construction shall take place until a detailed Delivery and Servicing Plan for the commercial units has been submitted to and approved in writing by the Local Planning Authority. The approved Delivery and Servicing Plan shall be implemented upon first occupation of the commercial units and adhered to thereafter. The Statement shall include:

1. details of the delivery and servicing requirements (including refuse collection) for the proposed uses;
2. a scheme for coordinating deliveries and servicing for the proposed development;
3. areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles;
4. access to / from the site for delivery and servicing vehicles and details of routing;
5. restrictions on the timing of deliveries so that they principally occur outside peak periods of activity;
6. details of marshalling and a vehicle booking system for the foodstore such that reversing from Oxhey Drive into the site is safely managed;
7. restrictions on the timing of servicing for the units in Prestwick Road / Market Square to ensure they are outside opening hours;
8. the requirement for service vehicles to enter and exit the highway in forward gear, with manoeuvring limited to the parking forecourt areas and activity coordinated through a vehicle booking system;



Reason: In the interests of residential amenity and highway safety and convenience in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

#### C12 Materials – Details

Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the buildings being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

#### C13 Management and maintenance of streets

No Surface Infrastructure Works shall commence until an Estate Management Plan to include details of the proposed arrangements for future management and maintenance of the proposed streets and communal areas has been submitted to and approved in writing by the Local Planning Authority. The streets and communal areas shall thereafter be maintained in accordance with the approved Estate Management Plan until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established. No works shall be carried out on roads, footways, cycleways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011).

#### C14 Landscaping

No works other than Ground Works and Site Preparation Works and Advanced Infrastructure Works shall take place until there has been submitted to and approved in writing by the Local Planning Authority a full landscaping scheme, which shall include the location of all existing trees and hedgerows affected by the proposed development, details of those to be retained and tree protection measures, full details of trees to be planted (including species and size, specification, location, timing of planting and future management).

All landscaping works required by the approved scheme shall be carried out in accordance with an implementation programme to be agreed in writing by the Local Planning Authority before development commences and shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species.

Reason: In the interests of visual amenity in accordance with Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

#### C15 Piling and vibro-compaction machinery

No piling or any other foundation designs using penetrative methods shall be undertaken other than with the written consent of the Local Planning Authority, which may be given where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the water environment, including groundwater, and in the interests of railway safety in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM9 and DM10 of the Development Management Policies LDD (adopted July 2013).

#### C16 Contamination - Remediation

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

#### C17 Off-site Highways Works – Details

Prior to the first occupation of any residential unit, details of additional offsite highway improvement works, to include;

- Those measures as shown on drawings 19173-01-017 (raised table at the junction of the new link road with Bridlington Road);
- Amendments to parking adjacent to the loading bay on the Southern Link Road;
- Amendments to parking north side of southern link road;
- Provision of tactile paving at all crossing points;
- Measures to encourage and maintain low vehicle speeds within the Parade;
- Improvements to local bus stops to include Kassel kerbing and real time passenger information displays.

Shall be submitted to and approved in writing by the Local Planning Authority, and such works shall be completed in accordance with the approved details prior to first occupation of any residential unit.

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

#### C18 Visibility Splays

Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the drawing 19173-01-016 rev B. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway. Any planting in such splays to be subject consultation with the Highway Authority and approval by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

#### C19 Car Parking

Car parking (including disabled bays) and turning spaces shall be constructed in accordance with the details shown in the approved Car Park Management Plan (October 2019), specifically plan numbers SOX-BPTW-ZZ-00-DR-A-5602 C01 and SOX-BPTW-ZZ-01-DR-A-5603 C01, prior to first occupation of any part of the development.

The minimum number of car parking spaces shall be as follows:

- 268 residential car parking spaces (comprised of 235 within internal car parks and 33 on street).
- 103 town centre car parking spaces including 79 spaces for Lidl (62 internal and 17 fronting Prestwick Road) and 24 town centre retail spaces.

The parking and turning spaces shall thereafter be kept permanently available for the use of residents and visitors to the site.

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

#### C20 Bicycle Parking

Prior to occupation of the development hereby permitted, a scheme for the secure parking/storage of bicycles for residential and general public use shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented prior to first occupation and thereafter retained for this purpose.

Reason: To ensure bicycle parking facilities are provided and encourage use of sustainable modes of travel in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

#### C21 Boundary treatments - Details

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

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

#### C22 Electric Vehicle Charging Points (ECVPs)

Prior to the first use of the development hereby permitted, the details and design of 8 EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of the units and permanently maintained and retained.

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

#### C23 Noise Assessment

The development shall be carried out and maintained in accordance with the Noise Impact Assessment prepared by Aecom dated 30 October 2019.

Reason: To ensure that nearby residential properties are not subjected to excessive noise and disturbance having regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

#### C24 Car Parking Management Strategy

Before the first occupation of the development hereby permitted, a Car Parking Management Strategy to cover the residential and non-residential uses shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of residential car parking allocation and management for all of the residential units, management of all public and visitor parking spaces and parking restrictions where appropriate. The Car Parking Management Strategy shall be implemented prior to occupation and enforced in accordance with the approved details.

Reason: To ensure adequate car parking for all occupiers of the development and protect against unauthorised car parking by non-occupiers in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

#### C25 Landscape Management Plan

Prior to the first occupation of the development hereby permitted, a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

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

C26 Energy Statement – in accordance with

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

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

C27 Travel Plan

Prior to the first occupation of the development hereby permitted, a Travel Plan with the objectives of reducing the journeys to and from the site by private car shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented upon the first occupation of the development. An updated Travel Plan shall be submitted to the Local Planning Authority for written approval on the first, third, fifth, eighth and tenth anniversary of the first occupation. The updated Travel Plan shall be implemented following its written approval.

Reason: To promote alternative modes of transport and meet the requirements of Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C28 Refuse & Re-cycling - details

The development shall not be occupied until a scheme for the storage and collection of waste has been submitted to and approved in writing by the Local Planning Authority. Details shall include siting, size and appearance of refuse and recycling facilities. The scheme shall be implemented in accordance with the approved details prior to occupation and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies document (adopted July 2013).

C29 Ventilation & Extraction Equipment

No ventilation or extraction equipment shall be installed unless details of its method of construction, odour control measures, noise levels, its appearance and finish have first been submitted to and been approved in writing by the Local Planning Authority. The equipment shall be implemented and maintained as approved.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C30 Fire hydrants

Should they be required, detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development,

whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

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

### C31 Reporting of Unexpected Contamination

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

### C32 In accordance with Drainage Assessment & FRA

The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment dated 11 October 2019 reference A5981 Rev F3 carried out by ctp consulting engineers and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the development so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding offsite for all rainfall events up to and including the 1 in 100 year + climate change (40%) event.
2. Provide an overall discharge rate of 10l/s controlled via a hydro-brake split across 4 discharge connection points into the existing Thames Water surface water drainage system.
3. Provide at least 904.2m<sup>3</sup> surface water attenuation within tanked permeable paving with a granular subbase within the car parking areas and footways as shown on the drainage layout drawing A5981-1500 Rev P1 within Appendix D of the surface water drainage assessment.
4. Maintenance carried out in accordance with the SuDS maintenance plan included within the surface water drainage assessment.

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

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to the surrounding area; to prevent flooding by ensuring the satisfactory disposal of surface water from the site; to prevent flooding by ensuring the satisfactory storage of surface water from the site; to ensure the operation of the SuDS and associated surface water drainage infrastructure for the lifetime of the development to prevent flooding to the site and the surrounding area and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

### C33 Requirements following completion of Drainage Works

Upon completion of the drainage works for the site in accordance with the timing / phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority:

1. Provision of a verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme). The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and the control mechanism.
2. Provision of a complete set of as built drawings for site drainage.
3. A management and maintenance plan for the SuDS features and drainage network.
4. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

### C34 Use Classes

The 621 sqm 'flexible commercial' space on the ground floor of Parcel 3B as shown on approved Parcel 3B Ground Floor Plan SOX-BPTW-01-00-DR-A-1050 C01 shall not be used other than for uses falling within Classes A1, A2, A3, A4, A5, B1, D1 and D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure the vitality of the District Centre and an appropriate mix of uses in accordance with Policies PSP2, CP1, CP6 and CP7 of the Core Strategy (adopted October 2011) and Policy SA4 of the Site Allocations Local Development Document (adopted November 2014).

### C35 Use Classes

The 1,754sqm 'retail' space on the ground floor of Parcel 3A as shown on approved Parcel 3A Ground Floor Plan SOX-BPTW-02-00-DR-A-1060 C01 shall not be used other than for uses falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure the vitality of the District Centre and an appropriate mix of uses in accordance with Policies PSP2, CP1, CP6 and CP7 of the Core Strategy (adopted October 2011) and Policy SA4 of the Site Allocations Local Development Document (adopted November 2014).

### C36 Hours of Operation

The Class A1/A2/A3/A4/A5/D1/D2 uses hereby permitted shall not operate other than between the hours of 07:00 to 23:00 (inclusive) Mondays to Sundays and including National Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

### C37 Removal of PD

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

#### Part 1

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

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class D - erection of a porch

Class E - provision of any building or enclosure

Class F - any hard surface

Class G - provision of a chimney, flue, soil or vent pipe

Class H - installation, alteration or replacement of an antenna

#### Part 2

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

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

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

### C38 Bats

Demolition should take place outside the active bat season. If demolition takes place in May 2020 as planned or between the months of April to September inclusive, the destruction of the potential roost features identified in Table 1 of the Bat report should proceed only under the supervision of a suitably qualified, experienced ecologist. Should evidence of bats be found, work must cease immediately.

Reason: To maintain wildlife habitat and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).



#### C39 Bird Nesting Season

No removal of trees, hedges or scrub shall take place between 1 March and 31 August inclusive unless searched immediately beforehand and certified free of nesting birds by a qualified ecologist.

Reason: To protect the amenities of wildlife during the primary nesting season 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).

#### C40 Lighting

No external lighting shall be installed or affixed to any buildings on each site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity and highway safety and to meet the requirements of Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

#### C41 Noise mitigation measures

All glazing and ventilation units for the residential development hereby permitted must achieve BS 822:2014 internal noise ambient levels, as set out in the Noise Impact Assessment dated January 2016 (approver pursuant to HPP 16/0005/FUL).

Reason: In the interests of amenity of future residents in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

### **Informatives**

#### I1 Standard Advice:

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

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

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

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start

your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

12 Construction Hours:

The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

13 Positive & Proactive:

The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions and amended plans were submitted during the application, which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

14 S016 Agreement:

The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990.

15 National Grid:

Due to the presence of National Grid apparatus in proximity to the application site, the Applicant should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works. Further 'Essential Guidance' can be found on the National Grid website at [www.nationalgrid.com](http://www.nationalgrid.com) or by contacting National Grid on 0800688588.

16 Secured By Design:

The development should achieve 'Silver' Secured by Design accreditation for the physical envelope (doors and windows).

17 Environmental Health – Guidance:

The details submitted pursuant to conditions C10 and C16 must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Euro 6 Vehicles should be used where possible.

Regard should be had to relevant guidance such as Institute of Air Quality Management (IAQM) guidance.

18 Signage:

The applicant is reminded that the addition of signage/illumination to units would likely require consent.

19 Affordable Housing – Definitions:

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

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

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

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

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

Housing Allocations Policy is the Council's policy which determines the Council's priorities and procedures when allocating accommodation in accordance with the requirements of Section 167 of the Housing Act 1996.

Dwelling means a residential unit comprised in the development.

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

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

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

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

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

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

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

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

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

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

Shared Ownership Dwellings means Affordable Housing owned and managed by an Affordable Housing Provider sold subject to a Shared Ownership Lease

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

- (a) the initial share sold to the leaseholder
  - i) is a minimum of 25% (twenty five per cent) and a maximum of 75% (seventy five per cent) of the total equity in the unit; and
  - ii) is sold for a premium equal to the corresponding percentage of the Open Market Value of the property; and
- b) the annual rent:
  - i) does not initially exceed 2.75% (two point seven five per cent) of the full Open Market Value (assessed in accordance with the HCA's Capital Funding Guide) of the Registered Providers retained share of the equity in the relevant Shared Ownership Dwelling
  - ii) is not at a level which is in conflict with any applicable Homes and Communities Agency successor restrictions relating to charges payable by the tenant; and
- c) the tenant:
  - i) pays no more than a Reasonable Service Charge (where applicable) and

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

110 Definitions:

Definitions adopted for the purposes of the planning conditions as follows:-

'Development Phase'

A development component or components (which may include Ground Works and Site Preparation Works, Advanced Infrastructure Works, Surface Infrastructure Works, and construction of buildings) as identified in the Phasing Plan.

'Ground Works and Site Preparation Works'

Include the following works:

- oDemolition of existing structures including removal of asbestos, the stripping out of buildings, disconnecting services and grubbing up foundations.
- oRemoval of existing and surplus rubble from the site.
- oRemoval of services on the site including service trenches.
- oCarrying out CAT scans on the site to confirm all existing services are clear.
- oThe erection or re-establishment of a hoarding line for the construction site.
- oProviding piling matting.
- oProviding clear health and safety information on the site.
- oPiling works.
- oSubstructure and underground drainage works.

'Advanced Infrastructure Works'

Infrastructure required to serve the site as a whole, including:

- oInstallation of services and utilities.
- oInstallation of energy infrastructure.
- oConstruction of basement car parking and ground floor slab.
- oGround levelling works.

'Surface Infrastructure Works'

Aboveground infrastructure required to serve the site as a whole, including:

- oHighways works.
- oSurface landscaping works to implement public routes/realm.
- oSurface landscaping works to implement public spaces.

'Construction'

Superstructure works above the ground floor slab.

111 Highways Advisory Notes:

The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developerinformation/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available

via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developerinformation/business-licences/business-licences.aspx> or by telephoning 0300 1234047

It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047

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

The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developerinformation/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

The development shall not begin unless and until highway rights have been extinguished across the area of land fronting existing shops, in accordance with a stopping up order to be made by the Secretary of State for Transport, Government Office for the East of England, under Section 247 of the Town and Country Planning Act 1990, or by application to the Highway Authority for the stopping up of highway land via the magistrates court under section 117 of the Highways Act 1980.