

APPENDIX 4
Committee Report for application 24/0451/FUL

Committee Date: 15th August 2024

APPLICATION NO: 24/0451/FUL

DATE OF APPLICATION: 2 April 2024

STATUTORY START DATE: 2 April 2024

SITE LOCATION

Lyndhurst Farm, Green Street, Borehamwood, Hertfordshire, WD6 5NF

DEVELOPMENT

Full planning application for 186 dwellings, community building, associated parking, landscaping and open space, with vehicle and pedestrian access from Green Street and a separate pedestrian access from Stapleton Road. (Amended Description 21/06/2024 to remove 3 dwellings and amendment to layout)

AGENT


The Mitfords
Basingstoke Road
Reading
RG7 1AT

APPLICANT

Griggs (options) Limited
C/O Agent
The Mitfords
Basingstoke Road
Reading
RG7 1AT

WARD: Shenley

GREEN BELT: Yes

CONSERVATION AREA: No

LISTED BUILDING: No

TREE PRES. ORDER: No

REASONS FOR COMMITTEE CONSIDERATION

This is a major development exceeding the threshold of delegated authority in the constitution

1.0 SUMMARY OF RECOMMENDATION

Delegate to the Head of Planning & Economic Development to approve subject to the following conditions and following the completion of a suitably worded s106 and conditions

- 1.1 DELEGATE TO THE HEAD OF PLANNING AND ECONOMIC DEVELOPMENT OR DEVELOPMENT MANAGEMENT TEAM MANAGER TO GRANT PLANNING PERMISSION, subject to a suitably worded s106 agreement and conditions, and referral to the Secretary of the State to consider**

calling the application in under the Town and Country Planning (Consultation) (England) Direction 2021.

- 1.2 In the event of a suitably worded s106 agreement not being agreed, DELEGATE TO THE HEAD OF PLANNING AND ECONOMIC DEVELOPMENT OR DEVELOPMENT MANAGEMENT TEAM MANAGER TO REFUSE PLANNING PERMISSION.

2.0 APPLICATION SITE AND SURROUNDINGS

- 2.1 The application site comprises an area of land measuring 5.1ha in area, sited on the western side of Green Street and on the northern side of Stapleton Road, located to the north of Borehamwood.
- 2.2 The site as existing comprises two distinct areas of land; allotments to the south of the site and an area of previously developed land which encompasses the majority of the east of the site. The previously developed part of the site has previously been used as a construction plant hire and storage business and includes a large area of hard standing, fixed structures and small buildings and associated paraphernalia. This is discussed in more detail in the History Section below. The site also includes an area of grassland to the west of the site. The site as existing is gated on its access from Green Street.
- 2.3 Other elements of the site as existing include an electricity pylon to the east of the site, and public right of way (PRoW) footpath 53, which runs along the south boundary of the site. The site itself falls within Flood Zone 1, indicating a low risk of flooding from surface water, but does include watercourses which run along the east and south of the site. The proposed site is also located within a gas pipeline consultation zone as there is a gas pipeline that runs from the east to the west of the site.
- 2.4 The site is not located within a Conservation Area and no TPO trees are located within the site. The site is located within the Metropolitan Green Belt.
- 2.5 The surrounding area is varied. Stapleton Road lies to the immediate south of the proposed site and the south and south west of the site comprises predominantly residential dwellings in North Borehamwood. The west and North West of the site comprises open green field land. The surrounding area also include Lyndhurst, a Grade II Listed building to the north of the site. There are a series of bus stops located within proximity to the site on Green Street and Stapleton Road.

3.0 THE PROPOSAL

- 3.1 The proposal seeks permission for the removal of the existing built structures at the site, including any paraphernalia and the existing allotments, and the erection of 186 dwellings (80% of which are considered Affordable Housing), with associated hard-landscaping, access, amenity space, bin storage and

parking. The proposal would include a mix of houses and apartments, including the following types of dwellings:

- 38 x 1 bedroom dwellings
- 57 x 2 bedroom dwellings
- 73 x 3 bedroom dwellings
- 18 x 4 bedroom dwellings

3.2 The proposal also includes the erection of a community building to the north of the site with associated parking.

3.3 The works to the site would include the retention of the existing access along Green Street, and the creation of a new access to the south of the site along Stapleton Road for pedestrians and cyclists. The proposal would include off-site transport provisions such as improvement to bus stops in the surrounding area as well as traffic calming measures along Stapleton Road.

3.4 Members can see the proposed development site plan below:



Figure 1: Site Plan

4.0 RELEVANT PLANNING HISTORY:

Reference number	Description	Date and outcome
81/0019/APP	Appeal: REMOVAL OF PERMISSION FOR A MOBILE HOME FOR AGRICULTURAL WORKER	26 August 1987 Appeal Dismissed
99/0041/APP	Appeal: Deemed application relating to an enforcement appeal.	3 August 2000 Appeal Part Allowed/Part dismissed
19/0065/APP	Appeal: Appeal against Enforcement Notice dated 29 May 2019 relating to 'Without planning permission, the material change of use of land from agricultural to a mix of commercial, light industrial and storage as well as the erection of sheds and other structures to facilitate such (the unauthorised development)'. Appeal: Development Appeal	10 February 2020 Appeal Dismissed
TP/02/1325/APP	Appeal: Development Appeal	1 May 2003 Appeal Dismissed
TP/02/0454/APP	Appeal: Installation of 15m high 'dead tree' telecommunications mast and associated ground level equipment. (Prior approval application made under Section 24 of the Town and Country Planning (General Permitted Development) Order 1995)	19 November 2002 Appeal Withdrawn
TP/02/0269/APP	Appeal: Development Appeal	1 May 2003 Appeal Dismissed
15/0037/OUT	Application and cheque sent back as per emails in DMS - Enforcement intervention.	
16/0330/OUT	Construction of new garden centre and retention of existing landscape contractors yard (Outline Application including means of access).	22 June 2016 Application Withdrawn
TP/81/0518	REMOVAL OF PERMISSION FOR A MOBILE HOME FOR AGRICULTURAL WORKER	10 December 1981 Refuse Permission
TP/02/1325	Demolition of existing buildings. Construction of 1 detached chalet bungalow, 23 stables, 1 store and 1 tractor shed to be used as stud farm. Associated paddock and exercise tracks. (Outline application - siting and means of access only included for consideration)	20 February 2003 Refuse Permission

TP/02/0978	15m high monopole, three panel antennas, one microwave dish, outdoor radio equipment housing cabinet and ancillary development	15 October 2002 Refuse the Details
TP/02/0269	Demolition of existing buildings followed by construction of one chalet bungalow, one detached tack room including two residential units, one barn, one tractor shed, 23 stables and one store. (Outline Application - siting and means of access only included for consideration)	27 June 2002 Refuse Permission
TP/02/0454	Installation of 15m high 'dead tree' telecommunications mast and associated ground level equipment. (Prior approval application made under Section 24 of the Town and Country Planning (General Permitted Development) Order 1995)	24 June 2002 Application Withdrawn
TP/00/1040	The processing and recycling of existing inert historical material for a temporary period expiring on 3rd August 2001 (Consultation from Hertfordshire County Council).	11 January 2001 Raise Objections
TP/00/0622	Erection of radio equipment housing cabinet and additional 6 antennae and 1 dish (Notice of Proposed Development under Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995)	7 July 2000 Prior Approval not required
TP/99/1076	Deemed application relating to an enforcement appeal.	3 August 2000 Appeal Received
TP/99/0643	Use of site as waste transfer station (Consultation by Hertfordshire County Council)	12 August 1999 Raise Objections
TP/99/0394	Use of site as waste transfer station (Consultation by Hertfordshire County Council)	7 July 1999 Application Withdrawn
TP/92/0155	Erection of 22.5 metre antennae mast with equipment cabin (Amended plans received 23/3/92 and 24/8/92, Additional plan received 21/4/92)	16 November 1992 Grant Permission

5.0 CONSULTATION & RESPONSES

5.1 Notices

Site Notice (Generic) - Expiry Date: 09/05/2024

Borehamwood Times - 2nd May 2024 Expiry Date: 23rd May 2024

5.2 Summary of consultation responses

Consulted:

Consultee	Date Consulted
Highways	21 June 2024
Place Services - Essex County Council- Landscape Consultant	21 June 2024
Urban Design Officer	21 June 2024
Environment Agency	21 June 2024
Place Services - Essex County Council - Conservation Advice	28 May 2024
Highways	28 May 2024
Place Services - Essex County Council- Landscape Consultant	28 May 2024
Well END Ers	24 April 2024
Environment Agency	24 April 2024
HCC Minerals And Waste Planning Team	24 April 2024
Building Control	24 April 2024
Senior Traffic Engineer	24 April 2024
Environmental Health & Licensing	24 April 2024
Waste Management Services	24 April 2024
Highways	24 April 2024
Uk Power Networks	24 April 2024
Cadent Gas Limited (Prev National Grid Company Plc)	24 April 2024
Thames Water Development Planning	24 April 2024
Affinity Water Limited	24 April 2024
The Hertfordshire Environmental Records Centre	24 April 2024
HCC Minerals And Waste Planning Team	24 April 2024
Parks & Cemeteries - Waste & Street Scene	24 April 2024
Herts & Middlesex Wildlife Trust	24 April 2024
Ecology	24 April 2024
NHS England	24 April 2024
NHS 1	24 April 2024
Health & Community Services Management Board (HCC)	24 April 2024
Senior Flood Risk And SuDS Officer	24 April 2024
National Highways	24 April 2024
CIL	24 April 2024
Policy & Transport - Majors Only	24 April 2024
Transport For London	24 April 2024
Policy & Transport - Majors Only (GP)	24 April 2024
Climate Change	24 April 2024
Hertfordshire Fire & Rescue Service - Hydrants Only Catherin	24 April 2024
HCC Growth & Infrastructure	24 April 2024
NHS East Of England Ambulance Service	24 April 2024
Economic Development Officer - Lesley Crisp	24 April 2024
S106	24 April 2024
CIL2 -	24 April 2024
Urban Design Officer	24 April 2024

East Of England Ambulance Service	24 April 2024
Housing	24 April 2024
HCC Growth & Infrastructure - (S106)	24 April 2024
Rights Of Way Countryside Access Officer	24 April 2024
HCC Growth And Infrastructure Team (South West)	24 April 2024
Ecology	24 April 2024
Place Services - Essex County Council- Arboriculture Consult	24 April 2024
CPZ - Parking Operations	24 April 2024
HCC Archaeology	24 April 2024
Place Services - Essex County Council - Conservation Advice	24 April 2024
Place Services - Essex County Council- Landscape Consultant	24 April 2024
Shenley Parish Council	24 April 2024
Elstree & Borehamwood Town Council	24 April 2024
Elstree & Borehamwood Residents Association	24 April 2024
Historic England	24 April 2024
Health & Safety Executive	24 April 2024
Network Rail London North Eastern	24 April 2024
Heathrow Airport	24 April 2024
Natural England Consultation Service	24 April 2024
Elstree Aerodrome	24 April 2024
Met Office	24 April 2024
Cadent Gas Limited (Prev National Grid Company Plc)	24 April 2024
Environment Agency	7 June 2024
Uk Power Networks	
Place Services - Essex County Council- Arboriculture Consult	21 June 2024
Hertfordshire Fire & Rescue Service - Hydrants Only Catherin	19 June 2024
Ecology	18 June 2024

Responses:

Members are advised that comments from consultees are outlined in full within Appendix 1 of the Report.

Consultee	Comment
Place Services - Essex County Council- Landscape Consultant	<u>Received 15/05/2024</u> No Objection, but concerns raised with regard to sensitivity of the site, removal of trees, visual openness. <u>Second Comments Received 18/06/2024</u>

	Recommend evidence to indicate further retention of trees on the site.
Highways	<u>Received 15/05/2024</u> Objection on 6 grounds including sustainability, insufficient details on road safety and travel plan detail. <u>Second Comments Received 18/06/2024</u> Some matters resolved, outstanding issues include confirmation of Strand 1 contribution, road safety audit and footpath walkway. <u>Third Comment Received 01/07/2024</u> No Objection subject to conditions and Informatives – outstanding issues resolved.
Environment Agency	<u>Received 21/05/2024</u> Objection on the grounds of flood risk and proximity to watercourse <i>Officers Response: This objection has been overcome informally and more details can be found in the body of the report.</i>
HCC Minerals And Waste Planning Team	<u>Received 21/05/2024</u> No Objection subject to a condition relating to a Site Waste Management Plan
Environmental Health & Licensing	<u>Received 09/05/2024</u> No Objection subject to conditions relating to sound and land contamination.
Uk Power Networks	<u>Received 25/04/2024</u> No Objection – general comments regarding underground cables
Thames Water Development Planning	<u>Received 17/05/2024</u>

	Concerns raised with regards to foul water capacity and conditions proposed. <i>Officer comment: the condition advised has been recommended below. Other advice provided has been recommended as informatives below.</i>
Ecology	<u>Received 11/06/2024</u> Further information required prior to determination – including submission of a Preliminary Ecology Assessment and Biodiversity Metric <u>Second Comment Received 10/07/2024</u> Application can be determined with no ecological objections (including conditions and Informatives)
NHS 1	<u>Received 20/05/2024</u> Comments with respect to S106 monetary contribution. <i>Officer response: the requested S106 contributions are discussed in the S106 section of the assessment below.</i>
Senior Flood Risk And SuDS Officer	<u>Received 03/07/2024</u> Objection on the grounds of insufficient evidence <u>Received 01/08/2024</u> Withdraw objection subject to conditions <i>Officer comment: the conditions advised have been recommended below.</i>
National Highways	<u>Received 24/04/2024</u> Offer no Objection
Transport For London	<u>Received 25/04/2024</u> No Comment

Hertfordshire Fire & Rescue Service - Hydrants Only Catherin	<u>Received 29/04/2024</u> No Objection subject to Condition relating to fire hydrants at the site
Place Services - Essex County Council - Arboriculture Consult	<u>Received 14/05/2024</u> Support subject to Conditions
HCC Archaeology	<u>Received 10/05/2024</u> No Comment
Historic England	<u>Received 25/04/2024</u> No Comment
Network Rail London North Eastern	<u>Received 17/05/2024</u> No Observations
Natural England Consultation Service	<u>Received 03/05/2024</u> No Objection
Place Services - Essex County Council – Conservation Advice	<u>Received 15/05/2023</u> Further information required <u>Second Response Received 11/06/2024</u> Objection on the grounds of ‘less than substantial harm’ to the Listed Building adjacent to the site
Met Office	<u>Received 02/05/2024</u> No Objection

5.3 Neighbour responses

In Support	Against	Comments	Neighbours Notified	Contributors Received
28	63	6	433	99

Summary of Objections Prior to Amendments:

- Loss of Green Belt land
- Concerns with regards to increased traffic

- Loss of habitats and biodiversity
- Concerns with regards to moving the allotments
- Concerns with regards to general infrastructure, including schools and GP services
- Loss of open countryside would have a negative impact on mental health
- Increased noise pollution
- Passing of construction vehicles would have a negative impact and may cause damage to nearby homes
- Concerns with regards to density of development
- Scheme does not show very special circumstances
- Ecology reports are incomplete
- Would cause merger of Borehamwood and Shenley
- Concerns with regards to flooding
- Three-storey buildings would be out of character for area
- Insufficient parking spaces for apartments
- Overlooking caused by new dwellings
- Housing will not be 'affordable' for local people
- Site is possibly a contaminated site with asbestos
- Replacement allotment land could be targeted for future development
- Dwellings would be too far away from local facilities
- Increased pollution
- Non-compliance with Shenley Neighbourhood Plan
- Consultation of the scheme inadequate
- Roads will become dangerous for cyclists and pedestrians
- Previous planning applications refused owing to flood issues
- Use of land as storage site was unlawful
- Disturbing views from existing residents
- Pedestrian access to the site along Green Street is unsuitable
- Removal of the footpath

Summary of Objections following amendments and further documents:

- No real change to scheme
- Increased traffic congestion
- Danger to pedestrians
- Displacement of Allotments
- Harm to Green Belt
- Non-compliance with Shenley Neighbourhood Plan
- Overdevelopment
- Destruction of habitats
- Site is contaminated
- Increase in carbon footprint
- Limited consultation with allotment holders
- Brownfield development would be preferable to this site
- Houses would not be affordable
- Strain on local infrastructure
- Benefits do not relate to Borehamwood particularly
- Community building will introduce crime and anti-social behaviour

- Contrary to Local Plan Policies
- Setting precedent for future development
- Unsustainable development
- Increased pollution

Summary of Comments in Support:

- Buildings and hard landscaping are well presented
- Support for moving allotments to adjacent site
- Land as exiting is compromised by spoil and dumping on the site
- Affordable Housing contribution would meet a significant need in Hertsmere
- Support for the community building, safer walking paths
- Site is sustainable owing to proximity to schools and public transport
- Preferable Green Belt site as already contaminated
- Improved accessibility
- Improved and accessible open and green space
- Economic benefits of scheme

General Comments:

- Biodiversity Net Gain should be achieved on the site
- Hedgerows on the site should be retained
- Footpath to the south of site should be maintained

Officer Notes:

All comments regarding the scheme, where appropriate and relevant to the planning permission in question, will be assessed in the report below.

6.0 PLANNING POLICY CONTEXT

6.1 National Policy/Guidance

- National Planning Policy Framework 2023 (NPPF)
- Planning Practice Guidance (PPG)
- Community Infrastructure Levy

6.2 The Development Plan

Adopted Hertsmere Local Plan:

Development Plan Document Core Strategy 2013

- SP1 – Creating Sustainable Development
- SP2 – Presumption in favour of sustainable development
- CS1 – The Supply of New Homes
- CS2 – The Location of New Homes
- CS3 – Housing Delivery and Infrastructure
- CS4 – Affordable Housing
- CS7 – Housing Mix
- CS12 – The Enhancement of the Natural Environment

- CS13 – The Green Belt
- CS14 – Protection or enhancement of heritage assets
- CS15 – Promoting Recreational Access to Open Spaces and the Countryside
- CS16 – Environmental Impact of new Development
- CS18 - Access to services
- CS17 – Energy and CO2 reductions
- CS19 – Key Community Facilities
- CS20 - Securing mixed use development
- CS21 - Standard charges and other planning obligations
- CS22 – Securing a High Quality and Accessible Environment
- CS25 – Accessibility and Parking
- CS26 – Promoting Alternatives to the Car

Site Allocations and Development Management Policies Plan 2016

- SADM3 – Residential Developments
- SADM10 Biodiversity and Habitats
- SADM11 – Landscape Character
- SADM12 – Trees, Landscaping and Development
- SADM13 – The Water Environment
- SADM14 – Flood Risk
- SADM15 – Sustainable Drainage Systems
- SADM17 – Waste Supply and Waste Water
- SADM19 – Waste Storage in New Development
- SADM20 – Environmental Pollution and Development
- SADM21 - Hazardous Substances
- SADM26 - Development Standards in the Green Belt
- SADM29 - Heritage Assets
- SADM30 – Design Principles
- SADM32 - Key Community Facilities
- SADM37 – New and Improved Public Open Spaces
- SADM38 - The Road Hierarchy
- SADM40 – Highway and Access Criteria for New Development

6.3 Shenley Neighbourhood Plan

- SH1 – Rural Character
- SH3 – Housing Mix and Choices
- SH6 – Local Knowledge for Good Design
- SH7 - Building for Life
- Shenley Design Principles and Code
 - SC2 Design Scrutiny
 - SC4 Buildings

6.4 Supplementary Planning Guidance / Documents

- Planning and Design Guide Part D 2016 (Draft for Interim Development Management Use) – Guidelines for High Quality Sustainable Development
- Planning & Design Guide Part E 2006 – Guidelines for Residential Extensions/Alterations
- Parking Standards SPD 2014
- Draft Sustainable Transport and Parking Standards (2022)
- Biodiversity, Landscape and Trees SPD 2010
- Climate Change and Sustainability Interim Statement 2020
- Draft Carbon Offsetting SPD

6.5 **Other Policies**

- Community Infrastructure Levy Regulations
- Equality and Diversity Act 2010
- Interim Technical Note: Waste Storage Provision Requirements for New Residential Developments 2014
- Written Ministerial Statement (ref: UIN HCWS48) - Building the homes we need (30/07/2024)

7.0 **ASSESSMENT AND REASONED JUSTIFICATION**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material consideration indicate otherwise'.

7.2 **Key Considerations**

- 7.3 History of the Site
- 7.4 Principle of Development
- 7.5 Principle of Development in the Green Belt
- 7.6 Character and Appearance
- 7.7 Harm to Heritage Assets
- 7.8 Car Parking and Highways Matters
- 7.9 Natural Environment
- 7.10 Drainage and Flood Risk
- 7.11 Sustainability
- 7.12 Residential Amenity
- 7.13 Refuse, Waste and Contamination
- 7.14 Planning Balance
- 7.15 Other Matters

7.3 **History of Site**

7.3.1 As mentioned in Section 3 of the report, the site has been previously used for the storage and hire of plant equipment.

7.3.2 The earliest history of the site dates back to 1999, when 3 enforcement notices were appealed. The site, at this time, was used for the storage of materials and included area of hard-standing and diesel tanks on the site, as well as ditches to the north and south of the site. Under the appeal decision for these enforcement notices, it was considered by the Inspector that some tanks and hard-standing area had been used for over 4 years, and therefore were immune to enforcement action. It is not clear from the documentation the extent of the hard-standing and built-form was considered acceptable.

7.3.3 The history of the indicates that the former use of the site as a B2/B8 Class Use for the storage of plant equipment is not lawful, as planning permission was never sought or agreed. Under Appeal Decision APP/N1920/C/19/3232056, in 2019, an enforcement notice to cease this use of the site and to return the site to the previous agricultural land was upheld by an Inspector, with the argument that this particular use would be visually harmful and would not comply with the purposes of the Green Belt. This development was considered to be inappropriate development in the Green Belt and the Inspector ruled in favour of the Council and the enforcement notice. The conclusion of the Inspector can be seen below:

'I conclude that the harm to the Green Belt by inappropriateness, the harm to the openness of the Green Belt and the additional intrusion into this part of the countryside overwhelmingly determine that planning permission should not be granted for the retention of the commercial, light industrial and storage uses and the sheds and other structures at Lyndhurst Farm as set out the enforcement notice's allegation. The harm caused to the openness of the Green Belt is considerable, the informal scatter of parked heavy goods vehicles and coaches, vehicular repairs and haulage businesses, some with their somewhat dilapidated sheds and structures set within steel security fencing is unsightly, the visual intrusion emphasised by the otherwise pleasant rural setting to the south of the B5378 road.'

7.3.4 Within this decision, it was not made clear by the Inspector whether the return to agricultural use was also required for the hard-standing areas on the site outlined as immune from enforcement action by the previous appeal decision in 1999, as it was not mentioned by the Inspector in his report.

7.3.5 Officers therefore have taken a conservative approach to the consideration of the use of the land. As per the appeal decision in 2019, the land was required to cease all use of B2/B8, and return to agricultural land. However, evidence has been provided by the applicant that the site has no former agricultural use, and historically was kept as maintained grassland. Owing to the substantial amount of time (1999-2019) that the site was in use as a storage facility, it is not clear whether the site has ever been, or could be returned to an agricultural use. As such, officers consider this part of the site to have a "nil" use, although it could revert to agricultural use without requiring permission. Further details on the considerations of 'Previously Developed Land' is within Section 7.5 of this report.

- 7.3.6 The proposal as submitted has been amended. The amendments include the reduction of the scheme from 189 to 186 homes and the re-arrangement of the layout to increase separation of buildings to Green Street and re-addressing the proposed pedestrian entrance to Stapleton Road. These amendments were received following comments from the Urban Design Officer and the Environment Agency.

7.4 Principle of Development

- 7.4.1 Paragraph 7 of the NPPF (2023) outlines: *The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner.*

Provision of Housing

- 7.4.2 Paragraph 76 of the NPPF (2023) outlines that '*Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing for decision making purposes if the following criteria are met: - their adopted plan is less than 5 years old; and - that adopted plan identified at least a 5 year supply of specific, deliverable sites at the time that its examination concluded.*'
- 7.4.3 In the case of Hertsmere Borough Council, these criteria are not met and therefore Paragraph 77 is relevant: *In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of 5 years' worth of housing, or a minimum of 4 years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than 5 years old*
- 7.4.4 Policies CS1 and CS2 of the Core Strategy outline the LPA's considerations on the supply of new homes, noting that priority will be given to residential development in accessible locations within the main settlements of the borough. However, given the position on the supply of homes, these policies are out of date with respect to the spatial strategy for the location of homes. Nevertheless, the site is located within an accessible location (due to the presence of nearby footpaths and bus routes) adjacent to the established settlement of Borehamwood.
- 7.4.5 The Council cannot currently demonstrate evidence for a five-year housing land supply and therefore, as per Paragraph 11 of the NPPF as mentioned above, the presumption in favour of sustainable development is evoked. Planning permission should therefore be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusal. Footnote 7 of the NPPF 2023 outlines the definition of areas or assets of particular importance, and in this instance, the site is located within the Metropolitan Green Belt and sits within the wider setting of a Heritage Asset. Therefore, it can be concluded that should the following assessment of the

application not be considered to be harmful to the Green Belt or Heritage Assets, planning permission should be granted and the tilted balance will not form part of the assessment.

Loss of Allotment Site

- 7.4.6 The south of the application site comprises an allotment site managed by the Elstree and Borehamwood Town Council. Allotment sites are outlined as a Community Facility within Policy CS19, and this Policy outlines that the loss of a community facility will only be acceptable if it can be demonstrated that they are surplus to the needs of the local community or are no longer fit for purpose.
- 7.4.7 In this circumstance, the existing allotments will be removed from the existing site, but will not be lost in their entirety, as they will be relocated to a site along Green Street, within 100m of the existing site. The relocation of the allotments are proposed under application 24/0446/FUL. The relocation of the allotments will be secured under the S106 agreement, with a stipulation that the works on the current site cannot commence until the allotments have been relocated.
- 7.4.8 It is considered that the community facility would be lost for a short time, but would still exist in the long term in a different location appropriate for the use, and therefore the principle is acceptable.



Figure 2: Existing Allotment Site (Red) and the Proposed Allotment Site (Blue) (planning application ref: 24/0446/FUL)

7.5 Principle of Development in the Green Belt

- 7.5.1 Paragraph 142 of the NPPF (2023) attaches great importance to the Green Belt and outlines that the fundamental aim of the Green Belt policy is to prevent

urban sprawl by keeping land open permanently. Policy CS13 of the Core Strategy outlines that development proposals in the Green Belt will be assessed in relation to the NPPF. SADM26 also highlights the Council's development standards within the Green Belt which includes that developments should be located as unobtrusively as possible and that the scale, height and bulk of the development should be sympathetic to and compatible with the landscape setting and not be harmful to the openness of the Green Belt.

7.5.2 Paragraph 152 of the NPPF outlines that inappropriate development is by definition harmful to the green Belt and should not be approved except in Very Special Circumstances. Paragraph 153 also outlines that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

7.5.3 Paragraph 154 of the NPPF outlines a number of exceptions to inappropriate development which includes the following:

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development

7.5.4 As indicated in Paragraph 7.3.3 of this report, the current use of the site and the change of use from agricultural land to B2/B8 for the storage of plant equipment is unlawful. This includes the changes to the site and the introduction of built-form and hard-standing materials. Owing to the conflicting information regarding historic hard-standing areas, Officers are minded to consider the 1999 appeal in this regard, and consider that the eastern part of the site, which includes the majority of the hard-standing area on the site, is considered to be Previously Developed Land. However, Paragraph 154 of the NPPF outlines that development on PDL land is only acceptable where the development would have no greater impact on the openness. This is not the case in this circumstance, and thus the development would not comply with Paragraph 154 (g).

7.5.5 Members will be aware that reforms to the NPPF were released for consultation on 30th July 2024. The reforms included substantial changes to the Green Belt section of the NPPF, including the introduction of 'Grey Belt'. The definition of 'Grey Belt' remains flexible, but is expected to refer to areas of Green Belt comprising Previously Developed Land that make limited contribution to the purposes of the Green Belt. This new policy remains at consultation stage and carries no weight in the planning balance, but Officers are minded to inform Members that should this policy be adopted, it is likely that the current application site could be considered 'Grey Belt'.

7.5.6 It is considered that in this circumstance, none of the exceptions to inappropriate development in the Green Belt would apply to the proposal.

Therefore, as outlined above, the development proposed within the Green Belt would be considered inappropriate, and Officers would require evidence of Very Special Circumstances (VSCs) to outweigh any harm identified to the Green Belt or any other harm in order for the proposal to be considered acceptable.

7.5.7 When considering the harm to the Green Belt, Officers must consider two main factors; the purposes of the Green Belt and the harm to the openness of the Green Belt. With respect to the Purposes of the Green Belt, these are highlighted within Paragraph 138 of the NPPF and are outlined below:

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another;
- (c) to assist in safeguarding the countryside from encroachment;
- (d) to preserve the setting and special character of historic towns; and
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.5.8 The applicant refers to the ARUP Stage 2 Green Belt Assessment completed for the evidence base for the Draft Local Plan. The Arup Stage 1 Green Belt Assessment separates various areas of the borough into small parcels to assess their contribution to the wider Green Belt and purposes of the Green Belt. The current application site was included as part of parcel SA-44.

7.5.9 With regards to purpose (a), the parcel was considered to meet the purpose strongly, being immediately adjacent to the built-up area of Borehamwood and preventing its outward sprawl into open land. Additionally, the boundary between the sub-area and the settlement is considered a 'weak' boundary, comprising irregular lines of residential properties, gardens and hedgerows which lack durability. With respect to purpose (b), the parcel is again considered to meet the purpose as the sub-area would form a wider part of the gap between Borehamwood and both Radlett and Shenley. Some development would be considered acceptable but the overall openness and gap is important to restricting merging of the settlements. Purpose (c) is met very strongly, as less than 1% of the site is covered with built form and therefore is predominantly rural.

7.5.10 The site in itself constitutes around a third of the overall parcel designated as SA-44, comprising the majority of the east of the parcel extending from Green Street. Officers consider this to be relevant in light of the above ARUP assessment, however it is clear that the proposed site does contribute to the purposes of the Green Belt and therefore any development on the site would cause harm to these purposes.

7.5.11 With regards to spatial harm, Officers must again consider the current use of the site. While the hard-standing at the site is considered immune to enforcement action as per Section 7.3 of this report, the buildings, overall use of the site is unlawful, Officers cannot consider the existing built-form associated with this use in the consideration of spatial sprawl of development within the site. Officers can therefore only consider the lawful use of the south of the site, constituting the allotments, which include no significant built-form

apart from various paraphernalia such as small greenhouses, canopy covers and water tanks. The vast majority of the site is (or should lawfully be) unspoilt arable land with no development, and therefore the presence of development on this site would cause substantial spatial harm owing to the sprawl of development.

- 7.5.12 Officers must consider visual harm when considering the harm to the openness of the Green Belt. When considering visual harm to the Green Belt, Officers also consider landscape harm. The applicant has submitted a Landscape Visual Impact Assessment in conjunction with the planning proposal which makes an assessment of the landscape vulnerability and significance of changes from various views in the surrounding area.
- 7.5.13 The Landscape Officer (LO) at Place Services has made comment on the application. The LO outlines that the site falls within the High Canons Valley and Ridges Landscape Character Area (LCA21) of the Hertfordshire Landscape Character Assessment. The area comprises narrow settled ridges of sinuous form with a prominent built edge to Borehamwood and the associated pylons dilute rural character.
- 7.5.14 The LVIA outlines in the conclusions of the assessment that the landscape is of low local value and has a low susceptibility to change to a housing development owing to the development in the vicinity, including the existing pylons. The conclusions also outline that adverse impacts of the development include the impacts on the suburban settlement edge during the construction phase (Year 1), which would be categorised as short-term and localised, and the impacts on the character of the site and the loss of the open rural character. This latter impact would be categorised as long-term but localised. The LVIA also outlines some beneficial effects of the scheme which include increased vegetative cover, increased accessible spaces and connected routes and the creation of new landscape features consistent with the locally prevalent characteristics.
- 7.5.15 The Landscape Officer commented on the results of the LVIA, and disagrees regarding the susceptibility of the site. The LO considers the sensitivity of the site to be moderate with regards to houses and moderate to high with regards to medium density flats. The Landscape Officer has agreed with the conclusions with regards to the Year 1 impacts of the development, as well as the long-term impacts of the loss of the open rural character, but also the beneficial impacts outlined by the LVIA. The LO did not object to the scheme, but did make recommendations for the scheme, which are outlined in full in Appendix 1. These recommendations including mitigation measures to reduce the visual impact of the proposal, as well as the retention of vegetation.
- 7.5.16 The applicant subsequently submitted a Tree Protection Plan and wireline assessment of the proposal. The wireline assessment included 6 long-range views towards the site and indicates the visual prominence of the development in year 1 and year 15 of the development. The wireline assessment considers the mitigation and landscape additions to the site as proposed within the Landscape Scheme.

7.5.17 Following the submission of this information, the Landscape Officer has commented on the application to outline that the roof-scape of the proposed development would assimilate with roofs of the existing Borehamwood residential area. It is also highlighted that retention of trees along the west boundary of the site would have the effect of breaking up blocks of built form.

7.5.18 It is the case, in Officers' opinion, that from long range-views towards the site from the west, that the development would cause limited harm to the visual openness of the Green Belt owing to the screening provided by vegetation and its assimilation into the urban environment that already exists in Borehamwood. However, limited information has been submitted with regards to short-range views, particularly from the public footpath to the south of the site and Green Street, along the east boundary. It cannot be argued that the visual impacts on the openness to the Green Belt would not be seen, albeit through glimpses, as the current open green land will be replaced with permanent built-form.

7.5.19 Officers would therefore designate the harm to the Green Belt as substantial in principle and with regard to spatial harm. However, within this, Officers would consider the visual harm to the Green Belt openness as moderate.

A Case for Very Special Circumstances

7.5.20 As per Paragraph 152 of the NPPF, inappropriate development in the Green Belt will only be accepted if Very Special Circumstances are demonstrated, which outweigh harm to the Green Belt and any other harm. The following paragraphs make an assessment of the benefits case put forward by the applicant and the weighting of any benefits of the scheme in the planning balance.

Housing Land Supply

7.5.21 The applicant has put forward the case that the provision of market and affordable housing on the site would result in a benefit to the borough, owing to the current housing land supply.

7.5.22 The applicant quotes a recent appeal decision at Hartfield Avenue (March 2024), which indicates that the current housing land supply shortfall in Hertsmere is approximately 3,173 dwellings which results in a supply of only 1.36 years. It is the case that the limited housing land supply has been considered poorly by Inspectors over the last year in appeal decisions.

7.5.23 The applicant makes a note of appeal decisions nationally, and in the local area within London Colney and North Herts which indicate that the provision of housing in an area of low housing land supply could constitute VSCs which would overcome the harm to the Green Belt and any other harm. Officers acknowledge these appeal decision, but also refer to appeal decisions in Hertsmere, including the Land to the South of Shenley Hill, and Land to the Rear of 52 Harris Lane where appeals were dismissed for housing in the Green

Belt, despite the current low housing land supply, and which are more relevant given that they are sites located within Hertsmere Borough.

7.5.24 Regardless of the above and appeal decisions for other similar development, this application is considered on its own merits. The proposal would introduce 186 new homes into the borough, of a variety of typologies and tenures. Included in this number are 149 affordable housing units, comprising 80% of the housing stock. The breakdown of the housing tenure and typology is outlined below:

	Social Rent	Affordable Rent	Shared Ownership	Total
1 Bedroom	4	1	31	36
2 Bedroom Apartment	19	8	16	43
3 Bedroom Apartment	0	0	4	4
1 Bedroom House	2	0	0	2
2 Bedroom House	7	1	5	13
3 Bedroom House	10	17	18	45
4 Bedroom House	3	3	0	6
Total				149

7.5.25 The Social Rent properties would be secured within the S106 agreement as properties provided pursuant to the Affordable Housing Scheme by a Registered Provider at target rents, which would be determined by the rent standard set by homes England. These will comprise 30% of the affordable units on the site.

7.5.26 The Affordable Rent properties would also be secured within the S106 agreement as properties to be let to households who are eligible for social housing rent of which is subject to rent controls that require a rent of no more than 80% of the local market rent, which would not exceed the Council's local housing allowance. These dwellings would make up 20% of the affordable housing on the site. It would be agreed that Hertsmere Borough Council would have nominal right for both the Social Rent and Affordable Rent properties.

7.5.27 The proposal would also propose 50% of the affordable housing units as Shared Ownership, a type of affordable housing whereby properties are managed by a Registered Provider and the occupier is offered a 25-75% share in the property, with the option of purchasing a greater share over time, and pays a maximum rent of 2.75% per year of the unsold equity.

7.5.28 The HBC Housing Officer has outlined support for the typologies and tenures of the proposed affordable housing units. The breakdown of the tenures would

comply with the minimum 35% requirements as outlined within the Affordable Housing SPD (2014), with an additional 45% of affordable housing on the site. The Housing Officer made a suggestion that the shared ownership properties could be marketed to local people prior to the wider market. This was explored by the applicant, who has agreed that the shared ownership properties on the site will be offered to people with a local connection in the first instance, within 3 months from the marketing of the housing.

7.5.29 In considering the benefit of the provision of affordable housing, Officers have considered the weighting of affordable housing provision on sites where only 35% affordable housing is proposed. In the case of the Harris Lane and Shenley Hill appeal, the provision of 45% affordable housing was considered to carry significant weight in the planning balance. In this case, the proposal would introduce 149 (80%) affordable housing on the site.

7.5.30 Officers consider that the provision of affordable housing in the borough is of key importance, particularly when considering the housing land supply. In addition to basic provision of affordable housing, the mix of typologies and tenures would meet the needs of those on the affordable housing waiting list, particularly those who require 3-bedroom dwellings, of which 45 will be available. The affordable housing contribution includes a number of rented, but also purchasable properties. This would be compliant with the aims of local policy such as SH3 of the Shenley Neighbourhood Plan and CS7 of the Core Strategy, which outlines that a variety of tenures should be sought for development. Overall, owing to the provision and mix of tenures and typologies, and the contribution far exceeding the policy compliant requirements for Affordable Housing, the contribution of affordable housing is considered to carry very substantial weight.

7.5.31 The proposal also includes the provision of 37 private housing units, including 1 x 2 bedroom apartments, 24 x 3 bedroom dwellings and 12 x 4 bedroom dwellings. Again, Officers have considered the housing land supply within Hertsmere and acknowledge that the provision of dwellings does carry positive weight in the planning balance. However, owing to the number of private dwellings being proposed, Officers would consider this benefit with only significant weight.

Provision of Community Building

7.5.32 The proposal would introduce a community building to the north east of the site, with associated parking. The community building is not outlined to have a particular use under the application, but is proposed to include kitchen, storage and WC facilities.

7.5.33 The Infrastructure Delivery Plan Baseline Study 2021, prepared for the Draft Local Plan makes an assessment of the currently and potential future provision for community facilities in the borough. While the Local Plan has been set-aside, the evidence base still carries material weight in planning considerations.

- 7.5.34 The IDP outlines that new community and youth facilities will be required to support housing development in the borough. In more detail, the document outlines that there is a good provision of existing community facilities within the borough, however the provision of further community facilities may be required based on the degree to which any settlement was increased in size by new development. The report outlines that areas such as Shenley and South Mimms, which host only one community facility, can be significantly effected in proportional terms.
- 7.5.35 In addition the above, the IDP outlines that in order for a community facility to provide an 'adequate range of services' it should have an area of at least 250sqm.
- 7.5.36 The site itself, while located adjacent to dwellings with Borehamwood postcodes, is technically within the Shenley Ward, and therefore is subject to constraints within Shenley such as the Shenley Neighbourhood Plan, as outlined in the design section of this report. Nevertheless, the proposal would be adjacent to properties within Borehamwood, and therefore while the IDP outlines that community facilities in Shenley may be required due to settlement growth, reasonably, Officers have considered that the predominant use of the community facility would come from those within the new development and within Borehamwood. That is not to say that the community facility cannot serve those elsewhere in the borough, but the more immediate locality is more likely due to its proximity. Additionally, the provision of 186 dwellings is not considered of a magnitude to support the need for additional community facilities. Additionally, the proposed community facility would measure only 62.5sqm, which is significantly lower than the area outlined in the IDP as adequate for a community building.
- 7.5.37 This being considered, Officers accept that the Community Building proposed on the site would result in a net benefit on the site. Although not necessary outlined as needed within the IDP, the community facility would provide a space for recreational activity and gatherings, which would provide a social benefit to the area. The applicant also outlines that the community building could provide economic benefits in the way of supply chain requirements, employment and visitors spending money on goods and services in the local economy. Additionally, there are limited community facilities within north Borehamwood, with the closest available community building being located along Brook Street at Fairway Hall (which is located almost within the town centre and is therefore a considerable distance from the subject locality given that the site is located adjoining the northern edge of Borehamwood). The proposed Community Building would therefore enhance access for local residents to community facilities, and is therefore considered to be in line with CS18 of the Core Strategy, which seeks to improve access to services.
- 7.5.38 It is for the reasons above that the community building is afforded moderate positive weight in the planning balance.

Biodiversity

7.5.39 The Planning Statement proposes that the Biodiversity Net Gain on the site be afforded moderate weight in the planning balance. As outlined within the Ecology Section of this report, the uplift in biodiversity will be 10.5% for habitats, 72.69% for hedgerow and 10.7% for watercourses. While there would be biodiversity net gain over 10%, this would be marginally above the baseline figure for habitats and watercourses. The 72.69% uplift in hedgerow biodiversity is supported, but collectively officers consider the biodiversity benefits of the scheme to only carry limited weight in the planning balance.

Economic Benefits

7.5.40 It is proposed that the scheme would result in economic benefits through the construction of the scheme and local expenditure initiated by the new homes in the area. Officers consider that this would be a benefit of any new development scheme.

7.5.41 Additionally, the applicant argues that the proposed development would result in economic boosts from residents moving into the Borough's existing housing stock, which would be vacated so that owners can move into the proposed new homes. Officers consider this benefit to be tenuous, as it relies on the assumption that new dwellings of private market and shared ownership properties will be taken up by nearby residents, which may not be the case.

7.5.42 Officers consider that the proposal would result in some economic benefit to the local area and therefore would consider this benefit with limited weight.

Social Benefits

7.5.43 Aside from the social benefits brought forward by the Community Building (assessed above), the proposal would result in social benefits through the provision of housing, active travel routes (including the provision of a cycle and pedestrian access between the subject site and Stapleton Road), high quality environment and on-site open space provision, which would encourage social interaction on the site.

7.5.44 Officers agree that a well-designed scheme such as the current proposal, including areas of play, active travel and spacious green space can result in social benefits for vulnerable groups such as young people and the elderly, allowing those living on the site to interact and participate in the community. Officers would therefore consider the social benefits of the scheme with moderate weight.

Environmental Benefits

7.5.45 The applicant proposes that the environmental benefits of the scheme arise from the fact that the scheme would not have a material impact on existing ecology, would provide a biodiversity net gain on the site and securing an environmentally sustainable form of new residential development.

- 7.5.46 At this stage, the information provided to the Council indicates that sustainable development can be achieved on the site through active travel and through the Climate Change and Energy Statement. However, further information as to the details of achieving sustainable development are secured within the S106 agreement, and therefore have not been fully assessed. Additionally, the applicant proposes double counting of the biodiversity net gain; in of itself as a benefit, and then within the environmental benefits of the scheme.
- 7.5.47 Officers consider that the environmental benefits of the scheme have either been assessed with weight in of their own right, or insufficient evidence has been provided as to make a full assessment. The Environmental Benefits of the scheme are therefore not considered to carry weight in the planning balance.

Conclusion

- 7.5.48 Taken together, the above benefits are considered by Officers to amount to a suite of benefits which may amount to a case for Very Special Circumstances (VSCs). The provision of market and particularly affordable housing in this area, of a carefully designed mix and typology, is supported by Officers. Additionally, while carrying only limited weight individually, the provision of the community facility, economic benefits and social benefits are considered to contribute collectively to the case for VSCs for the site.
- 7.5.49 The Officer now makes an assessment of other key considerations of the site and surrounding area. The Planning Balance at Section 7.13 will outline the conclusions as to whether the suite of benefits clearly outweigh the harm to the Green Belt as outlined above, and any other harm that arises from the assessment below, and therefore conclude as to whether VSCs exist which would justify approving the development.

7.6 Impact on Character and Appearance

- 7.6.1 The NPPF (2023) considers high quality design with great weight. Paragraph 131 outlines *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'* This is reflected in the Council's own policies, including policy CS22 which requires all development to be of a high quality design which ensures the creation of attractive and useable spaces. Similarly, Policy SADM30 outlines that development will be permitted provided it recognises and complements the particular local character of the area and results in high quality design. Policy SH1 of the Shenley Neighbourhood Plan outlines that development within the Green Belt areas of the neighbourhood plan will be expected to ensure that the design of the development relates positively to its surroundings and enhances the existing distinctiveness of the rural character of Shenley, by reflecting the special and valued features that are unique to the locality, the heritage assets and architectural features that contribute to that local character. This is also reflected in Policy SC2 of the Shenley Design Principles and Code.

- 7.6.2 The current application is for full planning permission, and therefore the design, layout and scale of the proposed buildings are considered in the assessment of the proposal. Work was undertaken at pre-application stage, as well as discussions within the course of the planning application with the Council's Principal Urban Design Officer with respect to the design of the proposal.
- 7.6.3 As mentioned above, the scheme seeks permission for the removal of the existing built-form on the site and the erection of 186 dwellings, with associated amenity space, access, road network and utilities. The scheme also includes a community hub building to the north of the site, communal play and open space areas and a new pedestrian and cycle access to the south of the site, along Stapleton Road.
- 7.6.4 The Urban Design Officer (UDO) made first comments in May 2024, which outlined some positive elements of the scheme including the pedestrian bridge to the south of the site, limited car dominance on the street, placement of hedges and boundary treatments and the connection of the site to wider transport networks for active travel.
- 7.6.5 The UDO mentioned in his first comments some concerns regarding the scheme including the utilitarian aesthetic of the community building and its location, the scale and layout of dwellings along the south boundary of the site and the materiality of the buildings. It was considered that the presence of the larger buildings to the south of the site, adjacent to the semi-detached dwellings along Stapleton Road had not been sufficiently justified.
- 7.6.6 Amended plans were received in June 2024, which the UDO outlined mitigated many concerns regarding the wider layout of the site, particularly the south boundary. It was considered that owing to the land level changes on the site, decreasing from north to south, that the three-storey apartment buildings along the south boundary would appear of a similar height to the buildings along Stapleton Road, thereby resulting in an acceptable placement. Concerns were still raised with regards to the community building, as it was felt that it could better connect to the LEAP area to the south.
- 7.6.7 The applicant worked with the UDO to rectify this issue, and amendments were received in July 2024 which included a new layout for the community building, with a better and more cohesive relationship to the LEAP (Locally Equipped Area for Play) area by including a small outdoor seating area across the road from the play area. Additionally, the design of the community building was amended to create a flat-roof structure of timber, which was felt to be more in keeping with the rural nature of the area, which differentiating the building from the surrounding dwellings.
- 7.6.8 The UDO has not made significant comments on the housing design. It is noted that the surrounding area comprises a number of types of buildings including semi-detached and terraced dwellings to the south of the site, within Borehamwood, but also single detached and larger dwellings along Green

Street. The UDO has outlined that the building designs remain generic, however does not consider the design of the buildings to be harmful or out of keeping with the surrounding area. Officers would consider that the proposed dwellings reflect the surrounding character in terms of the typology of dwellings, but also reflect elements of design including pitched roof shapes and front gables. Officers would also consider the design of the buildings to reflect the policies in the Shenley Neighbourhood Plan, which outlines that new development should reflect the character of the surrounding area.

7.6.9 In terms of the layout of the proposed site, the south of the site comprises a relatively dense built-up area, comprising of the existing dwellings in Borehamwood. The density is broken up by areas of green space, however dwellings are located typically within narrow plots adjacent to one another. The layout of the proposed scheme would mimic this density, allowing for areas of higher density which are broken up with small areas of amenity space and green spaces, reflecting the wider character of the area.

7.6.10 The proposed scheme is separated into 'Character Areas', including Parkland to the north east of the site, rural edge to the west and south west of the site, and the Mews Streets which comprise the central area of the development. The separation of the proposal into character areas allows for some measure of flexibility in the design and layout of the buildings and green space, to better reflect the immediate surrounding area. For example, the dwellings along the rural edge are well separated from boundaries and are at a lower density than the Mews Streets, which are of a higher density in the middle of the site.

7.6.11 Officers note that while the development would be reflective of the surrounding built-up development, the land to the north and east of the site is predominantly rural, open greenfield land. The site itself currently has an open nature. The proposed development would aim to reflect the rural nature of the environment through the materiality of the dwellings (i.e. using timber weatherboarding and dark colours), but inherently would be different and adverse to the open character of the surrounding land. However, Officers also consider that the placement of green open space on the site, to the north and west, adjacent to the open areas surrounding the site, go some way to soften the edge of development.

7.6.12 With regards to materiality, a condition has been recommended to ensure that prior to development, a scheme of external materials is submitted to ensure that all materials are in keeping with the surrounding area and character of the area.

7.6.13 Following the amendments to the scheme and proposed conditions, Officers consider the scheme to be a well-designed housing development, responding well to the surrounding character.

7.7 Impact on Heritage Assets

7.7.1 Paragraph 199 of the NPPF outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, great

weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The NPPF policies are reiterated in Policy CS14 of the Core Strategy and Policy SADM29 of the Site Allocations and Development Management Policies Plan.

- 7.7.2 Additionally, Paragraph 202 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.7.3 The Heritage Officer at Place Services has been consulted on the application as the site is located in the setting of the Grade II Listed Building Lyndhurst, which is a large country house that was constructed in approximately 1850 with early, mid and later twentieth century extensions and alterations.
- 7.7.4 The Heritage Officer comments that as existing, the site is currently free from built form and the surrounding landscape and mostly rural fields, which makes a positive contribution to the significance of the listed building. The application site is considered to make a positive contribution to the significance of the listed building as the character of the site is akin to its historic, rural and undeveloped context. However, the Heritage Officer also comments that the setting of the listed building has been subject to some changes which have been harmful, including the gas works, replacement of the gate lodge with two dwellings and the construction of the pylons.
- 7.7.5 The historic maps within the Heritage Statement submitted with the application show that Kitswell Lodge is the historic approach to the Lyndhurst and that the northern section of the application was formerly part of the parkland associated with the listed building. The Heritage Statement also shows that there are glimpsed views of the application site upon the approach to and from the listed building.
- 7.7.6 The Heritage Officer concludes that the development would encroach into land that was formerly part of the listed building parkland and would alter the landscape character and land use from an open, verdant parcel of land to an urban housing development. The proposal would be different from the existing character and appearance of the site and therefore the listed building's historic context. The development is argued to detract from the way in which the listed building is experienced and would not preserve the setting of the listed building. The Heritage Officer therefore considers there to be 'less than substantial' harm to the neighbouring heritage asset.
- 7.7.7 As per Paragraph 208 of the NPPF as outlined above, the public benefits of the scheme must be weighed against 'less than substantial' harm. Officers consider the benefits of the scheme as outlined within the Planning Statement of the applicants submissions and makes an assessment on whether these benefits would overcome the harm to the heritage asset.

- 7.7.8 The proposed benefits of the scheme are considered in more detail in the Planning Balance section of this report at Section 7.14. However as a summary these include; the provision of 149 affordable housing dwellings to contribute to the borough's affordable housing stock, the provision of 37 dwellings to the market housing stock of the borough, the sustainable nature of the development, open space provision, economic benefits and social benefits.
- 7.7.9 It is considered that when taken together, and in particular the provision of affordable housing, the benefits of the scheme would result in a public benefit that would outweigh the harm to the heritage asset.
- 7.7.10 While the harm to the heritage assets is considered to be outweighed in of itself by the public benefits of the scheme, this harm will still be considered in the 'any other harm' to be overcome within the planning balance with respect to development in the Green Belt.

7.8 Car Parking and Highways Matters

- 7.8.1 The NPPF (2024), SADM40 of the Site Allocations and Development Management policies 2016, Policy CS25 of the Core Strategy 2013 and the draft and adopted Parking Standards SPDs seek to ensure that new development provides a suitable access, and car and cycle parking provision.
- 7.8.2 Paragraph 115 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'
- 7.8.3 Throughout the application determination process, the Highways Authority have been in contact with Officers and the applicant to resolve issues that have arisen within the proposal. Members can view the comments from the Highways Authority in full in the Appendix to the report, including the first objection comment made in May 2024. Since this time, additional information has been submitted for the proposal and these issues have been resolved. The comments of the Highways Officer will be addressed below.

Access to Site

- 7.8.4 The site as existing is served by a single access to the east of the site, along Green Street. The access is served by an existing drop kerb. The proposed scheme would include the retention of the existing access to the east of the site, which would provide the only vehicular access to the site.
- 7.8.5 In initial comments from the Highways Officer, it was made clear that insufficient details of the main access to the site, and the safety of this access to be utilised by the increased development of the site would be adequate. Subsequently, the applicant has provided a Road Safety Audit of the access, which recommended that the visibility splays would be kept clear of obstruction and vegetation. Further details of these visibility splays were then provided to show

adequate visibility and reduced vegetation in this area, which the Highways Officer has deemed acceptable and a condition has been recommended to ensure that the visibility splays are retained during operation of the development.

Traffic Movement and Safety

- 7.8.6 The Highways Officer outlined concerns in May 2024 that the TRICs data used in the Transport Assessment for the application utilises both the 'Suburban' and 'Edge of Town' locations within the trip impact analysis. It was subsequently agreed between the HCC Officer and the applicant that a more inclusive approach to the trip impact analysis was acceptable.
- 7.8.7 Additionally, the Highways Officer raised concerns that the Green Street junction has not been adequately modelled to show the impact of the car movements from the new development on surrounding local road networks. Following these comments, the applicant provided further information to the Highways Officer. With respect to the TRICS modelling of junctions, the applicant provided evidence that the proposed scheme would result in an RFC (ratio of flow to capacity) of 0.11, which is considered low. Additionally, surrounding junctions such as Shenley Road, Elstree Way roundabout and Brook road have been considered in the modelling of the traffic impacts of the site and the impact on these junctions is considered negligible at 0.01 RFC. With respect to Green Street and London Road, the RFC for both directions would not increase beyond 0.02 RFC. The Highways Officer is content with this information and did not require further modelling to be completed.
- 7.8.8 National Highways have commented on the application and raised no objection to the scheme. The comments outline that the consultee are content with the TRICs trip impact analysis of the development and raise no concerns with regards to harm to the Strategic Road Network.

Pedestrian and Cycle Movement

- 7.8.8 In comments made in May 2024, the Highways Officer raised concerns with regards to the sustainability of the site, owing to the distance between the housing development and surrounding amenities. These distances include 400m to nearby convenience stores, 800m to nursery and primary school facilities and 1km from the main shopping parade, Borehamwood High Street. The Highways Officer disputed the Transport Assessment claim that the site was 'highly sustainable' and requested an audit of local routes which could be used by pedestrians and cyclists to access these amenities.
- 7.8.9 At the time of these comments, discussions were being held between HCC as the Highways Authority and the applicant to address off-site improvements to local routes in order to ensure the sustainability of the site. In the most recent comments sent in July 2024, the Highways Officer raised no further concerns with regards to the sustainability of the site following the contribution of the following off-site highways improvements as follows:

- Pedestrian / cyclist improvements including a 2.0 metre wide footway on the north side of Stapleton Road and dedication of land as public highway, siding out of existing footway in Green Street and cycle signage.
- Speed cushions along Stapleton Road
- Bus infrastructure improvements as follows:
 - i. “Stanborough Avenue” (bus stop in Stapleton Road – buses heading towards Green Street). Shelter and hardstanding with Kassel Kerbs and a dropped pedestrian crossing point.
 - ii. “Stanborough Avenue” (bus stop in Stapleton Road – buses heading away from Green Street). Kassel kerbs required. A narrow roof shelter with half end panels would be appropriate including real time information.
 - iii. “Stapleton Road” (bus stop in Green Street adjacent to development site). Kerb upgrades here would be appropriate.
 - iv “Stapleton Road” (bus stop in Green Street opposite development site). Kerb upgrades would be appropriate but with the location revised slightly due the location of guard railing.
 - v. A review of pedestrian crossing facilities at the “Stapleton Road” bus stops (in Green Street). Implementation of improvements based on review.
- Improvements to footpath 053 including resurfacing existing natural surface with loose bound stone surface

7.8.10 It is considered that the off-site measures as agreed between HCC Highways and the applicant would increase the ability and likelihood of utilising sustainable transport measures to access nearby amenities, thus addressing the concerns of the Highways Officer. These off-site measures have been secured via a condition and shall also be secured through the S106 agreement.

Stapleton Road Connection

7.8.11 As mentioned in the description of the proposal, the scheme intends to introduce an additional pedestrian and cycle access to the site from the south boundary on to Stapleton Road. The access would be provided by a bridge structure over the existing Footpath 53 which runs along the southern boundary of the site. The bridge would be necessary for the access as the land level from the new development to Stapleton Road drops significantly.

7.8.12 Concerns were initially outlined by the Highways Officer that the headroom between the footpath and the bridge would not be sufficient, however amended plans were submitted to the Highways Officer to indicate that the headroom would measure 2.3m in height. This mitigated concerns regarding the need to divert or amend the footpath, and the Highways Officer has advised a condition to ensure that the headroom is maintained in perpetuity, which officers have recommended below.

Site Layout and Movement

7.8.13 The Highways Officer made comment regarding the movement of pedestrians, cyclists and vehicles within the site. Originally, concerns were raised by the

Highways Officer that the shared surfaces for pedestrians and cyclists were not acceptable, and that corner radii within the site were large and this would raise concerns with regards to road safety.

7.8.14 In comments received 18th June 2024, the Highways Officer rescinded these comments, outlining that the shared surfaces on the site were acceptable, and that the corner radii within the site were acceptable as they addressed refuse vehicle turning paths.

Car Parking

7.8.15 The proposed development includes the provision of flats within 2-3 storey buildings, above garage flats, two-storey dwellings and bungalows. In the case of the latter 3 typologies, Officers would expect the development to comply with the Draft Sustainable Transport and Parking Standards (2022) for car parking spaces within the curtilage of a dwelling. In the case of the flats within apartment blocks, Officers would expect the development comply with these standards for communal car parking. The requirements are as follows:

- 0.75 car parking spaces for 1 bedroom properties
- 1.5 car parking spaces for 2 bedroom properties
- 1.5 car parking spaces for 3 bedroom properties
- 2 car parking spaces for 4 bedroom properties

7.8.16 Officers have considered the Parking Layout Plan submitted with the application, which indicates 305 car parking spaces will be provided on the site. This number does not include the 12 car parking spaces provided for the community building.

7.8.17 In the case of the residential parking, each dwelling regardless of flat or house, has the requisite number of car parking spaces as per the policy above. In some cases, parking spaces are in unusual locations, such as to the side of a building, or the garage of a neighbouring block in the case of the flats over garages. Parking is also included in tandem style for many units. However, all parking would be allocated to specific units and Officers are content that the proposed parking would comply with all relevant policies.

7.8.18 In the case of the community building, the SPD outlines that for F2 Class Use (Community Buildings), 1 car parking space should be provided for every 9sqm of building. The provision for car parking would therefore surpass the 7 car parking spaces required.

Cycle Parking

7.8.19 The Sustainable Transport and Parking Standards (2022) outlines that there should be 1 secure/ long term cycle space per unit plus 1 short terms space per 5 units where communal parking is to be provided.

7.8.20 For flatted units, within the apartment blocks, it is indicated on plans that a cycle store will be provided in each building for adequate cycle storage. It is outlined

within the Transport Assessment that the rear gardens of single dwellings within the site will provide a suitable and secure long term cycle storage, which is considered reasonable. A contribution to the Beryl Bike Hire scheme will also be secured via a s106 agreement if the proposal is approved.

Electric Charging Points

- 7.8.21 The Parking Layout submitted with the application indicates that each dwelling would have access to either an on-plot or off-plot EV charging point. In the case of dwellings which require more than one car parking space, at least one car parking space will have access to an EV charging point. This would surpass the requirement as outlined within the Sustainable Transport and Parking SPD.

Conclusion

- 7.8.22 Subject to the conditions proposed by the Highways Officers and HBC Officers with relation to highways safety, sustainability and access there would be no highways concerns with regards to the application. It is considered that the proposed development would not have a detrimental impact on the local or strategic road network and measures will be put in place to ensure the site's sustainability in operation.

7.9 Natural Environment

Trees and Landscaping

- 7.9.1 Policy SADM12 outlines that planning permission will be refused for development that would result in the loss or likely loss of healthy, high quality trees subject to a Tree Preservation Order; or otherwise any healthy, high quality trees and/or hedgerows that make a valuable contribution to the visual amenity or environment of their location. If any such loss would occur through approved development, replacement planting would be required. Similarly, Policy CS12 of the Hertsmere Local Plan Core Strategy states that all development proposals must conserve or enhance the natural environment of the Borough, including biodiversity, habitats, protected trees, landscape character, and sites of ecological and geological value.
- 7.9.2 Additionally, Policy SADM11 outlines that development will be managed to help conserve, enhance and/or restore the character of the wider landscape across the borough. It outlines that individual proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition.
- 7.9.3 The proposal was submitted with an Arboricultural Impact Assessment which indicated the presence of 17 individual trees and 16 groups of trees. The proposed loss of trees on the site are as follows:
- Removal of 3 individual trees and 2 groups of trees (Category U)

- Removal of 8 individual trees, 10 groups of trees and trees within 2 groups (Mostly category C but includes 3 category B trees)

- 7.9.4 The Arboricultural Officer (AO) has commented on the application and has outlined that the loss of Category U trees is not a material planning consideration and require removing irrelevant to the proposed development. Additionally, the removal of category C trees is not considered a material consideration in relation to planning and therefore there is no objection to the removal of these trees. The AO comments that the loss of the Category B trees on the site would be expected to be mitigated with replacement planting, which is indicated on the landscape framework.
- 7.9.5 With regards to the development and harm to retained trees, the AO has recommended that clarification is given as to the Root Protection areas of trees that will either be located close to development, or within open space areas where they may be damaged. It was recommended that this clarification is achieved via a condition.
- 7.9.6 In addition to the above, the Landscape Officer has made comment on the application to outline that the removal of trees on the site is regrettable, and that the applicant should investigate their ability to safeguard more trees on the site. Officers consider these comments, which did not come as an objection to the scheme, in line with the AO comments, and agree that while the loss of any trees on the site is regrettable, this can be mitigated through replanting, which would be secured through the recommended soft-landscaping condition. It was outlined by the Arboricultural Officer that a veteran tree on the site along the south boundary which is proposed to be removed could be an irreplaceable habitat. However, the Ecological Impact Assessment submitted with the application has not concluded any irreplaceable habitats on the site, and the issue has not been raised by the Ecology Officer. Officers are therefore satisfied that there would be no loss of irreplaceable habitats.

Ecology

- 7.9.7 The draft Biodiversity Net Gain SPD was approved by the Executive on 14th September 2022 which sets out how developments should achieve Biodiversity Net Gain (BNG), noting that a minimum of 10% BNG is expected. Since this time, legislation has been introduced to ensure a mandatory provision of 10% BNG on all new development. Additionally, the NPPF 2023 Paragraph 186 outlines that when determining planning applications, local authorities should refuse application if significant harm to biodiversity from a development cannot be avoided, adequately mitigated or compensated for. Policy SADM10 of the Site Allocation and Development Policies Plan outlines that The Council supports habitat conservation, improvement and extension, and where necessary mitigation measures. It is important to retain the ecological, geological and biodiversity benefits of sites. Policies also seek protection of species.
- 7.9.8 Officers consider that as the site is undeveloped land, the erection of buildings and hard-standing materials in this location could have the potential to be

harmful to the ecological environment. The site also sits along the boundary of a Local Wildlife Site, which lies to the west of the proposed development.

- 7.9.9 Following the submission of an Ecological Impact Assessment in June 2024, the Ecology Officer has concluded that the grassland habitat on-site does not represent the same ecological interest associated with criteria for Local Wildlife Sites and that as the LWS's ecological interest has been significantly reduced by being cultivated to be used as arable land, the site does not pose an ecological constraint.
- 7.9.10 Some measure of protected species have been discovered on the site including Japanese knotweed and giant hogweed, and the Ecology Officer outlines that the removal of these species must be carried out in a sensitive manner. It is recommended to add a condition to the decision of the proposal for the submission of a Construction Ecological Management Plan to ensure this is achieved. The CEMP is also suggested to include details of matter on other species, although the overall conclusion of the Ecology Officer is that no ecological features have been found above that of local interest and there remains to be no fundamental ecological constraints that could prevent determination.
- 7.9.11 With regards to Biodiversity Net Gain (BNG), it is demonstrated that the uplift in biodiversity will be 10.5% for habitats, 72.69% for hedgerow and 10.7% for watercourses. This will be achieved through both on-site and off-site creation and enhancement. The Ecology Officer has found the BNG plans to be reasonable and consistent with BNG principles.
- 7.9.12 A condition has been recommended for the submission of an Overall Biodiversity Gain Plan, in line with statutory legislation. In addition, all biodiversity net gain will be secured via a S106 legal agreement.

7.10 Drainage and Flood Risk

- 7.10.1 The NPPF (2024), Policy CS16 of the Core Strategy 2013 and Policies SADM13 and SADM14 of the Site Allocations and Development Management Policies Plan 2016 are relevant.
- 7.10.2 According to the Environment Agency online mapping software, the site lies entirely within Flood Zone 1. However, it is also the case that the east boundary and south boundary of the site are indicated to be adjacent to a main river watercourse. The Environment Agency have commented on the application to outline that the proposal falls within a flood risk vulnerability category inappropriate to the Flood Zone in which the application is located. The Environment Agency proposes that the site lies within Flood Zone 3b functional floodplain.

- 7.10.3 Comments from the Environment Agency in May 2024 raised two objections to the scheme on the basis of flood risk; the incorrect flood zone categorisation and the proximity of the development to within 8m of the watercourse. Subsequently, the applicant amended the scheme to ensure all development was outside of the 8m buffer zone and completed modelling for the watercourse.
- 7.10.4 Discussions have been on-going between the Environment Agency, case officer and applicant, and from these discussions it is clear that the designation of the watercourse as a main river is considered by all, including the consultee, to be an overestimation of the watercourse. However, the process for the de-designation of the watercourse from a main river to an ordinary watercourse is not a process that can be taken under a planning application. This notwithstanding, the applicant has complied with the requests of the Environment Agency to supply modelling data in line with the current designation.
- 7.10.5 The Environment Agency have responded informally to the submission of the modelling data to outline that they believe that the concerns raised in their first comments can be achieved with the assessment of the modelling data, and have proposed a condition to ensure that prior to commencement of the development, the modelling data is assessed in full and any arising issues mitigated through further submissions. This condition has been recommended in Section 9 of this report. Members will be updated on the Update Sheet as to the wording of the Environment Agency official consultation response.
- 7.10.6 The LLFA commented on the application in June 2024, with objections to the scheme, outlining concerns with regards to the drainage of the site. However following the submission of further information, this objection has been withdrawn subject to conditions which have been added in Section 9 of this report.
- 7.10.7 With regards to Sequential Testing, it was not considered necessary by Officers in this case as the land is located within Flood Zone 1, with very low risk of flooding. Additionally, concerns raised by the LLFA and EA regarding watercourses within the proximity of the site have been overcome through amendments to design and modelling.
- 7.10.8 Subject to the conditions above and following discussions with the Environment Agency and the LLFA which have led to improvements to the scheme, the Officer has no concerns with regards to flood risk or drainage matters.

7.11 Sustainability

- 7.11.1 Due to the declaration of a climate emergency, all new development, especially major developments, are encouraged to incorporate energy from decentralisation and renewable or low carbon sources. Furthermore, in accordance with the NPPF (2023) and Policy CS17 of the Core Strategy (2013), development proposals should achieve CO2 emission reductions.

Development should have regard to the Council's Interim Position Statement on Sustainability and Climate Change.

- 7.11.2 The draft Carbon Offsetting supplementary planning document was approved by the Executive and therefore carries weight in decision making as a material consideration. Where a development falls short of achieving net zero carbon on site, the developer will be expected to make a financial contribution to Hertsmere's Carbon Offset Fund.
- 7.11.3 The application was accompanied by a Climate Change and Energy Statement. The statement outlines compliance with the 'Be Lean, Be Clean, Be Green' strategy in order to mitigate and adapt to the impact of climate change through the creation of sustainable homes. The document outlines the environmental protection and enhancement measures at the site such as using sustainable materials in construction and development design to promote active travel. The proposal promotes measures through construction and operation of the site to reduce pollution, minimise waste and encourage recycling. Other measures such as an all-electric energy strategy and development design for Climate Resilience and Adaptation through the use of an overheating assessment are also proposed.
- 7.11.4 The document as outlined above shows a number of ways in which the proposal would address the climate emergency and aims to reduce net carbon output at the site. The details of such measures and the securing of them will be achieved through the submission of a Sustainability and Energy Statement via an S106 agreement. The applicant has also agreed to include the undertaking of contributions towards the Carbon Offset Payment through the S106 agreement.
- 7.11.5 The information provided above and the agreements within the S106 agreement would appease officers that carbon offsetting and sustainability measures will be achieved at the site, and therefore no concerns are raised.

7.12 Residential Amenity

Neighbouring Amenity

- 7.12.1 Policy SADM30 also requires that, in order to achieve a high quality design, new development have only limited impacts on the amenity of the occupiers of the site, its neighbours and its surroundings in terms of outlook, privacy, light nuisance and noise.
- 7.12.2 Officers have considered the right to light, outlook and privacy of the neighbouring properties. The closest habitable properties along the south boundary are those along the south side of Stapleton Close, located approximately 40m from the rear elevations of the properties to the south of the application site. The buildings to the south of the application site comprise the 3-storey apartment blocks. The Planning and Design Guide Part D outlines that 28m is an acceptable separation distance between new development and the

existing windows of surrounding dwellings. The proposed buildings would have a greater separation. Officers have considered that the third storey window would be at a higher land level than the dwellings along Stapleton Road, however it is considered that the 48m separation from the properties would be suffice to mitigate any concerns with regards to overlooking. Similarly, the south boundary of the site would be heavily vegetated, mitigating this impact further.

7.12.3 The closest habitable dwellings along Green Street are located between 34m and 38m away from new development, from the north to the south of the site. Again, these distances would surpass the 28m acceptable separation distances and would be screened by vegetation.

7.12.4 All new dwellings would be appropriately separated from any existing dwellings as to not raise concerns with regards to loss of light or outlook from habitable windows.

Future Occupiers

7.12.5 Hertsmere's Planning and Design Guide Draft SPD Part D refers to the Nationally Described Space Standards in regard to residential development. The national space standards came into effect on 1st October 2015, it states that a single bedroom has a floor area of at least 7.5m² and to provide two bed-spaces, a double (or twin bedroom) has a floor area of at least 11m². The bedrooms proposed comply with these dimensions and are therefore considered to be acceptable.

7.12.6 The National Described Space Standards (2015) also indicates the appropriate gross internal floor space for dwelling types within the development. It is considered that the floor plans of the proposed dwellings would comply with these space standards.

7.12.7 In terms of private external amenity space, the Planning and Design Guide outlines that for flats or maisonette, 1 bedroom units should provide at least 20sqm of amenity space with a further 10sqm of amenity space for each additional bedroom. This can be accommodated in either private or communal amenity space, or a mix of both. The Planning and Design Guide also outlines the amenity requirements for single dwellings, which is outlined as between 20-80sqm from 1-4 bedroom dwellings.

7.12.8 The Garden Depths and Areas Plan indicates that 16 of the proposed dwellings would have a garden space with under a 10% deficiency compared to the guidance within the Planning and Design Guide. The plan also indicates that 11 dwellings would have a deficiency over 10% compared to the guidance. Officers consider that while there would be a preference for all dwellings to have private amenity space in accordance with the spatial standards within the Planning and Design Guide, it is the case that all dwellings would have a reasonable area of private amenity space, as well as access to the communal amenity space within the wider site. This includes the amenity space to the south of the site, the north of the site adjacent to the community hub and the south east of the site. All communal amenity spaces are accessible from

dwellings via the internal road network and associated footpaths and cycleways. Officers would consider the communal space within the site to be of a reasonable area to accommodate the apartment buildings additionally.

Pollution and Nuisance

7.12.9 The Environmental Health Officer has commented on the application and first highlights that Green Street is a high trafficked road and therefore properties closest to the road will require a sound insulation and ventilation scheme, to ensure that the occupiers of these properties do not experience undue noise pollution. A conditions has been recommended to this effect.

7.12.10 Additionally, the EHO has recommended a condition with respect to a sound insulation and ventilation scheme for the community hub, to ensure that any loud events or meetings to not cause undue noise pollution to surrounding dwellings. It is also considered by the EHO that the lighting at the site is unlikely to detrimentally effect nearby residential properties, and has not raised concerns regarding the proximity of the proposal to the gas pipeline or overhead pylons nearby.

Health Impact Assessment

7.12.11 The application has been accompanied by a Health Impact Assessment. The Healthy Places Officer at HCC has commented on the HIA and has outlined that following some amendments, the document is of high quality and is acceptable in its methodology and conclusions, that there would be no detrimental harm to health.

Conclusion

7.12.12 Subject to the above conditions, the proposed scheme would not raise concerns with regards to residential amenity for neighbouring or future occupiers.

7.13 Refuse, Waste and Land Contamination

Land Contamination

7.13.1 The appropriate handling and removal of on-site waste at demolition and construction phases is pertinent to this application, due to the existing landfill and potential for contaminants. Policy SADM20 states that development should not result in any adverse impact to public health or wellbeing, or significantly add to contamination or pollution, taking into account the situation following any mitigation and remediation measures.

7.13.2 Comments have been received by members of the public to highlight concerns that the site is unfit for development as it was either a historic landfill site or is at risk of contamination. A Geotechnical Survey was completed and submitted as part of the application, which found sources of potential contamination owing to the previous unlawful use as a vehicle storage yard, but no history of landfill.

7.13.3 The Environmental Health Officer has reviewed the Geotechnical Study and has concluded that further investigations should be carried out to ensure that the development can move forward safely. Recommended conditions to this effect have been added in Section 9 of this report, and subject to these conditions to further concerns have been raised with regards to land contamination.

Refuse and Waste

7.13.4 Policy SADM19 is relevant for the consideration of refuse storage provision on-site. This policy requires adequate provision for the storage of waste for new developments.

7.13.5 With regards to refuse storage and removal, the proposal is accompanied by a Refuse Strategy, which indicates that the relevant refuse and recycling provisions will be included for all individual dwellings and apartment blocks.

7.13.6 The Street Scene Services Officer has yet to respond to the consultation to the application, however any comments will be given to Members on the Update Sheet

7.13.7 In addition to operational use, the waste at construction stage has also been considered. The HCC Minerals and Waste Officer has commented on the application with no objection, subject to a recommended conditions regarding a Site Waste Management Plan to be submitted prior to commencement.

7.13.8 Subject to the above conditions, there are no concerns raised with regards to refuse, waste and contamination.

7.14 Planning Balance

7.14.1 As outlined in Section 7.4, the proposed development is considered to amount to inappropriate development in the Green Belt, and therefore demonstrate case of Very Special Circumstances must be demonstrated which collectively, clearly outweigh the harm to the Green Belt and any other harm.

7.14.2 The harm to the Green Belt has been outlined as substantial. The proposal would result in the sprawl of urban development into the countryside, adverse to purposes (a), (b) and (c) of the Green Belt and causing spatial harm. Additionally, regardless of the landscape mitigation proposed, it is considered inevitable that from short-range views, the proposed development would cause visual harm from the public realm, including footpath 53, Green Street and Stapleton Road.

7.14.3 Section 7.7 of this report recognises that the proposed development would cause 'less than substantial' harm to Lyndhurst, a Grade II Listed Building, by way of disturbing the rural landscape which adds significance to the heritage asset. It is outlined that this 'less than substantial' harm is overcome by the benefits of the scheme as per Paragraph 202 of the NPPF, however this harm is also considered as *any other harm* as per Paragraph 152 of the NPPF relating to Green Belt.

7.14.4 As per the assessment above, there are no other aspects of the scheme that would result in harm.

7.14.5 The benefits of the scheme are outlined in full in Section 7.4 of this report, however they are summarised below in addition to the perceived harm of the development:

Harm	Weighting
Harm to the Green Belt – Spatial Harm	Substantial Weight
Harm to the Green Belt – Visual Harm	Moderate Weight
Harm to the Green Belt – Inappropriate Development	Substantial Weight
Heritage harm	Moderate Weight

Benefits	Weighting
Affordable Housing Provision	Very Substantial Weight
Market Housing Provision	Significant Weight
Social Benefits	Moderate Weight
Economic Benefits	Limited Weight
Community Building	Moderate Weight
Environment Benefits	No Weight

7.14.6 It is the opinion of the Officer that when taken together, the proposed benefits of the scheme would demonstrate Very Special Circumstances which would clearly outweigh the harm as identified to the Green Belt and any other harm. The proposal would introduce much needed affordable and market housing to the borough, in addition to a holistic approach to landscape design and provision of amenities to create a housing development which would result in social benefits for those who live there and the surrounding area. Accordingly, planning permission is recommended for approval subject to the agreement of conditions and a S106 agreement.

7.15 Other Matters

Community Infrastructure Levy

7.15.1 The Community Infrastructure Levy (CIL) is a charge to support the delivery of funds to infrastructure in Hertsmere. The Planning Authority became a CIL charging authority as of 1st December 2014. This proposal would be CIL liable.

Equality and Diversity

7.15.2 The Equality Act 2010 came into force in April 2011. Section 149 of the Act introduced the public sector equality duty, which requires public authorities to have 'due regard' to the need to eliminate discrimination on the grounds of the relevant protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation, and to advance equality of opportunity. In relation to this specific application due regard has been made to the protected characteristics and it is considered that there would be no adverse impact caused following this development.

Section 106 Heads of Terms

7.15.3 As per the body of the report and the recommendation, the proposed recommendation is subject to the agreement of an S106 legal agreement between all relevant parties. The Heads of Terms for the S106 are as follows:

- Provision of Affordable Housing (to secure the mix of affordable housing typologies and includes triggers for the provision of affordable housing as outlined in Section 7.4 of the report)
- Carbon Offset Payment of £115 per tonne
- County Council Contributions, including off-site transports provisions and the payment of £108.131 for Bus Services
- Travel Plan Support Contribution of £6000
- Details of securing Biodiversity Net Gain, including details of off-site allocation site
- Allotment Delivery (including a trigger that the development cannot commence on the application site (Lyndhurst Farm) until the all new allotments are provided on the alternative site)
- Contribution to the Beryl Bike Scheme (contribution to be determined)

7.15.4 A response was received by the NHS ICB for Hertfordshire and West Essex, which expressed concerns that the proposed development would result in additional strain on the NHS services in the local area, and requested a monetary contribution to mitigate these services. The amount for the contribution was outlined at approximately £868,125. Officers engaged in discussions with the ICB, as the monetary contribution was calculated using a higher index than in previous planning applications, and also included a substantial contribution to acute, mental and community facilities which far exceeded precedent for other applications. It was outlined by the ICB that these contributions were necessary to fund improvements to the Elstree Way Clinic, which has been outlined as due for development for many years. Officers considered this to be an unreasonable request on several grounds. In the first instance, in relation to Regulation 122, the contributions for a development must

be relevant to that development, and it was considered that the high monetary contribution was not directly related to the development itself, rather the need to improve services in general in this area. Additionally, insufficient evidence has been provided by the ICB as to the current plans for the Elstree Way Clinic, the timescales in which the development will come forward, and the provisions therein. On this basis, Officers did not agree that the contributions requested were compliant with Regulation 122, and have opened dialogue with the ICB to investigate whether a smaller and more reasonable contribution can be agreed, in relation to the development. It is the opinion of the Officer that the securing of these contributions is not a matter which would overturn the planning balance.

8.0 CONCLUSION

- 8.1 The proposed development would constitute inappropriate development in the Green Belt, however in accordance with Paragraph 152 of the NPPF, Very Special Circumstances have been demonstrated which clearly outweigh the harm to the Green Belt by way of inappropriateness and openness, and any other harm. Identified 'less than substantial harm' to heritage assets is considered to be outweighed by the public benefits of the scheme including the provision of affordable and market housing, provision of the community building and social benefits of the scheme in accordance with Paragraph 202 of the NPPF. No concerns have been raised with regards to other relevant planning matters, and as such, the proposal would comply with the following policies: NPPF (2024), Policies SP1, CS1, CS2, CS12, CS13, CS14, CS16, CS17, CS19, CS22, CS25 and CS26 of the Core Strategy 2013, Policies SADM3, SADM10, SADM11, SADM12, SADM14, SADM15, SADM17, SADM19, SADM20, SADM26, SADM29, SADM30, SADM32 and SADM40 of the Site Allocations and Development Management Policies Plan 2016, the Planning and Design Guide Part D and E, the Sustainable Transport and Parking Standards (2022), the Biodiversity and Trees SPD (2010), the Climate Change and Sustainability Strategy SPD 2020 and the Shenley Neighbourhood Plan.

9.0 RECOMMENDATION

- 9.1 DELEGATE TO THE HEAD OF PLANNING AND ECONOMIC DEVELOPMENT OR DEVELOPMENT MANAGEMENT TEAM MANAGER TO GRANT PLANNING PERMISSION, subject to a suitably worded s106 agreement and conditions, and referral to the Secretary of the State to consider calling the application in under the Town and Country Planning (Consultation) (England) Direction 2021.
- 9.2 In the event of a suitably worded s106 agreement not being agreed, DELEGATE TO THE HEAD OF PLANNING AND ECONOMIC DEVELOPMENT OR DEVELOPMENT MANAGEMENT TEAM MANAGER TO REFUSE PLANNING PERMISSION on the following grounds:

- Unsustainable development
- Irreversible harm to Ecology
- Loss of Community Facility

CONDITIONS/REASONS

Timescale

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

Plans

2. The development hereby permitted shall be carried out in complete accordance with the Plans and Documents outlined within the Drawing Register dated 07/08/2024 (Appendix 2), other than where those details are altered pursuant to the conditions of this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

Noise

3. Prior to any above slab level, the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to a scheme to protect the proposed development from noise due to transport sources which shall be implemented before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

Reason: To satisfactorily protect the residential amenities of nearby occupiers. To comply with Policies SADM3 and SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS22 of the Hertsmere Core Strategy 2013.

4. Prior to commencement of the community hub building, a noise impact assessment shall be submitted which assesses noise from the community hub/hall at the nearest residential properties. This report must include details of the noise monitoring exercise and internal noise levels for the premises and details of the façade noise levels at residential properties. Noise measurement results in terms of day time and night-time LAeqs, LA90s and LAm_{ax} (f) will be required along with a BS4142 assessment. This report must then inform a scheme of sound insulation for the building

which shall be submitted to and approved in writing by the Local Planning Authority before any further development takes place.

Reason: To satisfactorily protect the residential amenities of nearby occupiers. To comply with Policies SADM3 and SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS22 of the Hertsmere Core Strategy 2013.

5. Noise from plant and equipment associated with the development shall be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties (5dB below the background noise level if evidence is provided which shows that no tonality is present).

Reason: To satisfactorily protect the residential amenities of nearby occupiers. To comply with Policies SADM3 and SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS22 of the Hertsmere Core Strategy 2013.

Contamination

6. NO DEVELOPMENT SHALL TAKE PLACE BEFORE an investigation and risk assessment, in addition to any assessment provided with the planning application, is completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - i) a survey of the extent, scale and nature of contamination;
 - ii) an assessment of the potential risks to : human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
 - iii) an appraisal of remedial options, and proposals of the preferred option(s). This must be conducted in accordance with DEFRA and Environment Agency's 'Land Condition and Risk Management (LCRM)

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy SADM20 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS16 of the Core Strategy 2013.

- 7.

NO DEVELOPMENT SHALL TAKE PLACE BEFORE a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings and other property and the natural and historic environment identified in the investigation and risk assessment, submitted in accordance with Condition 1, has been submitted to and approved in writing of the Local Planning Authority, if required. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy SADM20 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS16 of the Core Strategy 2013.

8. NO DEVELOPMENT SHALL TAKE PLACE BEFORE the remediation scheme approved under condition 2, if required, is carried out in accordance with its terms, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted PRIOR TO FIRST OCCUPATION and 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 in accordance with Policy SADM20 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS16 of the Core Strategy 2013.

9. In the event contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the

approved remediation scheme a verification report shall be submitted to and approved in writing by 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 in accordance with Policy SADM20 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS16 of the Core Strategy 2013.

10. In the event soil is imported from an outside site, a scheme shall be submitted to, and approved in writing by the Local Planning Authority, verifying that any imported topsoil, is certified as suitable for use, prior to the first site usage.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy SADM20 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS16 of the Core Strategy 2013.

Fire Hydrants and Water Supply

11. NO WORKS ABOVE INITIAL DAMP COURSE SHALL COMMENCE until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme(s) has been implemented in accordance with the approved details

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties.

Trees

12. Prior to commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
 - a. Measures for the protection of those trees and hedges on the application site that are to be retained,
 - b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth,

and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,
c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.
The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority

Reason: To ensure that the trees and hedges on site are adequately protected, to safeguard the character and visual amenity of the area, in accordance with policies SP1 and CS12 of the Hertsmere Local Plan, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement of development to ensure that existing trees are adequately protected prior to any ground disturbance.

13. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development and ensure a satisfactory environment, in accordance with policies SP1 and CS12 of the Hertsmere Local Plan, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies

Site Waste Management Plan

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

Reason: To minimise waste production and maximise the quantity of waste reused on site and recycled. To comply with Policy CS16 of the Hertsmere Core Strategy 2013.

Highways Matters

15. Prior to the first occupation of the development hereby permitted the pedestrian / vehicular access onto Green Street shall be completed and

thereafter retained as indicated on drawing number 4971/SK04 revision B, in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority.

Reason: To ensure satisfactory access into the site from or onto the highway in accordance with Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS24 of the Hertsmere Core Strategy 2013.

16. Prior to the first occupation of the development hereby permitted the cycle / pedestrian access onto Stapleton Road shall be completed and thereafter retained as indicated on drawing number 4971 SK01 revision C, in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority.

Reason: To ensure satisfactory access into the site from or onto the highway in accordance with Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS24 of the Hertsmere Core Strategy 2013.

17. Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS24 of the Hertsmere Core Strategy 2013.

18. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number 4971/SK04 revision B relating to the Green Street access. The splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS24 of the Hertsmere Core Strategy 2013.

- 19.

Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 metre x 43 metres shall be provided to each side of the pedestrian / cycle access along where it meets the highway at Stapleton Road and such splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS24 of the Hertsmere Core Strategy 2013.

20. A minimum headroom of 2.3 metres shall be retained between the public footpath (ELSTREE & BOREHAMWOOD 053) and the proposed cycle / pedestrian bridge connecting the site to Stapleton Road as indicated in drawing number 4971 SK01 revision C.

Reason: To ensure that the safe use of the footpath is maintained in accordance with Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS24 of the Hertsmere Core Strategy 2013.

21. Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing numbers and descriptive set out below have been submitted to and approved in writing by the Local Planning Authority.
- A. Pedestrian / cyclist improvements indicated in plan SK03 revision A including a 2.0 metre wide footway on the north side of Stapleton Road and dedication of land as public highway, siding out of existing footway in Green Street and cycle signage.
 - B. Speed cushions as indicated in the plan SK03 revision A
 - C. Bus infrastructure improvements as follows:
 - i. "Stanborough Avenue" (bus stop in Stapleton Road - buses heading towards Green Street). Shelter and hardstanding with Kassel Kerbs and a dropped pedestrian crossing point.
 - ii. "Stanborough Avenue" (bus stop in Stapleton Road - buses heading away from Green Street). Kassel kerbs required. A narrow roof shelter with half end panels would be appropriate including real time information.
 - iii. "Stapleton Road" (bus stop in Green Street adjacent to development site). Kerb upgrades here would be appropriate.
 - iv. "Stapleton Road" (bus stop in Green Street opposite development site). Kerb upgrades would be appropriate but with the location revised slightly due the location of guard railing.
 - v. A review of pedestrian crossing facilities at the "Stapleton Road" bus stops (in Green Street). Implementation of improvements based on review.

D. Improvements to ELSTREE & BOREHAMWOOD footpath 053 including resurfacing existing natural surface with loose bound stone surface.

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 SADM40 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS24 of the Hertsmere Core Strategy 2013.

22. Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Condition 21 of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS24 of the Hertsmere Core Strategy 2013.

Cycle Store

23. Prior to the first commencement of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme and dwelling specific cycle parking associated with each dwelling shall be implemented before the dwelling to which the cycle parking applies is first occupied and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS24 of the Hertsmere Core Strategy 2013.

Construction Management Plan

24. 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) 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 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;
- k. Phasing Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS24 of the Hertsmer Core Strategy 2013.

Travel Plan

- 25. At least 3 months prior to the first occupation of the approved development a detailed Residential Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan shall be implemented in accordance with the timetable and target contained in therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS24 of the Hertsmer Core Strategy 2013.

Construction Environmental Management Plan

- 26. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP), that demonstrates adherence to the recommendations within the EclA (Section 5), has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following.
 - aa*) A review of any ecological impacts informed by the submitted ecological report (Report No: CSA/6889/04)
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of 'biodiversity protection zones'
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timings of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with Policies SP1 and CS12 of the Hertsmere Local Plan and S3.2.6 of the Biodiversity, Trees and Landscape SPD

Biodiversity Enhancement Management Plan

27. Prior to commencement of the development (including vegetation clearance, demolition and ground works), a Biodiversity Enhancement Management Plan shall be prepared. It will include a graphical Ecological Enhancement Plan, setting out the number, type and position of enhancement features to be incorporated into the design scheme. It will also demonstrate a sensitive lighting scheme, compliant with the Bat Creating a cleaner, greener, healthier Hertfordshire Conservation Trust and Institution of Lighting Professionals (2023) and will show how the scheme will be suitable for nocturnal wildlife. This plan shall be submitted to the Local Planning Authority for written approval and the development must be carried out in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with Policies SP1 and CS12 of the Hertsmere Local Plan and S3.2.6 of the Biodiversity, Trees and Landscape SPD

Habitat Monitoring and Management Plan

28. Prior to commencement of the development (including vegetation clearance, demolition and ground works), a Habitat Monitoring and Management Plan will be submitted and approved by the Local Planning Authority. This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions will be created, enhanced, and monitored over 30 years following the completion of the capital works required to create them. It is Creating a cleaner, greener, healthier Hertfordshire commended that the HMMP should be in line with the HMMP template produced by DEFRA. Considerations should also be given within any legal agreement to secure resources to allow adequate monitoring over the 30-year period.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with Policies SP1 and CS12 of the Hertsmere Local Plan and S3.2.6 of the Biodiversity, Trees and Landscape SPD

Materials

29. NO DEVELOPMENT SHALL TAKE PLACE UNTIL samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies SADM3 and SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS22 of the Hertsmere Core Strategy 2013.

Enclosures

30. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development have been submitted to, and approved in writing by, the Local Planning Authority. PRIOR TO FIRST OCCUPATION OR USE OF THE DEVELOPMENT the walls (including retaining walls), fences, gates or other means of enclosure shall be erected as approved and shall thereafter be retained and maintained in perpetuity.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies SADM3 and SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS22 of the Hertsmere Core Strategy 2013.

Flood Risk and Drainage

31. The development hereby permitted must not be commenced until such times as the hydraulic modelling carried out by the applicant to represent fluvial flood risk onsite evidences no development within the 1%+climate change fluvial flood extent, and is approved, following review by the Environment Agency.

The scheme thereafter shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing

arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. To comply with Policies SADM13, SADM14 and SADM15 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS16 of the Hertsmere Core Strategy 2013.

32. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated 10 July 2024, REF 4971/2024 E) and Technical Note (dated 10 July 2024), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level (including the maximum design water level in the surface water drainage infrastructure), and 150mm above the surrounding proposed external ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. To comply with Policies SADM13, SADM14 and SADM15 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS16 of the Hertsmere Core Strategy 2013.

33. Prior to the commencement of the development details of all flood resilient and resistant measures shall be submitted to and approved in writing by the local Planning Authority. The agreed measures shall then be installed and maintained in perpetuity.

Reason: To ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. To comply with Policies SADM13, SADM14 and SADM15 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS16 of the Hertsmere Core Strategy 2013.

34. Prior to the commencement of the development, details of how SuDS features that do not benefit from the minimum 3m easement will be maintained needs to be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. To comply with Policies SADM13, SADM14 and SADM15 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS16 of the Hertsmere Core Strategy 2013.

35. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA / Drainage Strategy (dated 10 July 2024, REF 4971/2024 E), Technical Note (dated 10 July 2024) and Drawings (SuDS Drainage Strategy Sheets 1 and 2 - dated July 2024, REF SK08-REV D 4971) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with Policies SADM13, SADM14 and SADM15 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS16 of the Hertsmere Core Strategy 2013.

36. Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. To comply with Policies SADM13, SADM14 and SADM15 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS16 of the Hertsmere Core Strategy 2013.

37. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1 and 4. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. To comply with Policies SADM13, SADM14 and SADM15 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS16 of the Hertsmere Core Strategy 2013.

Use of Community Building

38. The premises labelled at the 'Community Building' shall be used as a community facility (Class F1) and for no other purpose (including any other purpose in Class F of Part 2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure that the community facilities are maintained in perpetuity and to ensure that the proposed Very Special Circumstances are delivered on the site in accordance with the NPPF, Policy CS13 of the Core Strategy and SADM26 of the Site Allocations and Development Management Policies Plan.

Foul Water Upgrades

39. Prior to the occupation of the development, all foul water network upgrades required to accommodate the additional flows from the development will have been completed; or a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied.

Reason: To ensure sufficient foul water and sewage delivery for new development in accordance with Policies SP1, SP2 and CS16 of the Core Strategy, Policies SADM3, SADM17 and SADM19 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2024.

Land Levels

40. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out as approved.

Reason: To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers. To comply with Policies SADM3 and SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS22 of the Hertsmere Core Strategy 2013.

GENERAL REASON(S) FOR GRANTING PERMISSION

1. The proposed development would constitute inappropriate development in the Green Belt, however in accordance with Paragraph 152 of the NPPF, Very Special Circumstances have been demonstrated which clearly outweigh the harm to the Green Belt by way of inappropriateness and openness, and any other harm. Identified 'less than substantial harm' to heritage assets is considered to be outweighed by the public benefits of the scheme including the provision of affordable and market housing, provision of the community building and social benefits of the scheme in accordance with Paragraph 202 of the NPPF. No concerns have been raised with regards to other relevant planning matters, and as such, the proposal would comply with the following policies: NPPF (2024), Policies SP1, CS1, CS2, CS12, CS13, CS14, CS16, CS17, CS19, CS22, CS25 and CS26 of the Core Strategy 2013, Policies SADM3, SADM10, SADM11, SADM12, SADM14, SADM15, SADM17, SADM19, SADM20, SADM26, SADM29, SADM30, SADM32 and SADM40 of the Site Allocations and Development Management Policies Plan 2016, the Planning and Design Guide Part D and E, the Sustainable Transport and Parking Standards (2022), the Biodiversity and Trees SPD (2010), the Climate Change and Sustainability Strategy SPD 2020 and the Shenley Neighbourhood Plan.

INFORMATIVES

1. Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at buildingcontrol@hertfordshirebc.co.uk or phoning us on 01438 879990.

To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone us for fees guidance on 01438 879990.

We can also be contacted by post at Hertfordshire Building control Ltd., 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX.

Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in our acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

- Excavation for foundations
- Damp proof course
- Concrete oversite

Insulation
Drains (when laid or tested)
Floor and Roof construction
Work relating to fire safety
Work affecting access and facilities for disabled people
Completion

Please phone 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

Party Wall etc. Act 1996

Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Hertsmere Borough Council's nor Hertfordshire Building Control Ltd's remit to control or enforce Party Wall act matters. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available online at <https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

2. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. With regards to Condition 3 of the decision of this application:
The scheme shall ensure that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. Internal L_{Amax} levels should not exceed 45dB more than ten times a night in bedrooms. Good acoustic design should be implemented throughout the development to reduce façade noise levels as much as possible. Where opening windows raises the internal noise levels above those within BS8233, other methods of ventilation/attenuation will have to be implemented. To assess overheating with windows closed, a CIBSE TM59 (Fixed Temperature method -CIBSE Guide A (2015a)) overheating assessment must be undertaken and submitted for review and approval. If mechanical ventilation is going to be installed, details of the system being installed must be provided such as the ventilation rates that the system can deliver. Ventilation rates for the development must comply with the latest building regulation requirements. Outdoor amenity areas should meet the 55dB WHO Community Noise Guideline Level. A slight relaxation of this level (up to 3dB) will be considered, if it can be demonstrated that all reasonable

steps have been taken to reduce the level as much as possible, (such as noise barriers, shielding, good acoustic design etc). If outdoor amenity areas cannot comply, then it should be shown through measurements that a suitable place is available within 5 minutes walk from the development that complies with the amenity noise level.

4. Noise Control

1. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of :
8.00am and 6.00pm on Mondays to Fridays
8.00am and 1.00pm Saturdays
and at no time on Sundays and Bank Holidays

2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times

3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions

4. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.

5. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.

6. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.

7. All pile driving shall be carried out by a recognised noise reducing system.

8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material

9. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.

10. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub-contractors.

11. Any emergency deviation from these conditions shall be notified to the Council without delay

12. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.

13. Permissible noise levels are not specified at this stage

5. Dust Control

1. All efforts shall be made to reduce dust generation to a minimum

2. Stock piles of materials for use on the site or disposal, that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.

3. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles

6. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

7. Obstruction of highway: 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 County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

8. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

9. Works within the highway (section 278): 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 County Council website at:
<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.
10. Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway
11. Roads to remain private: The applicant is advised that all new roads associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.
12. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of

development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

13. The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.
14. Oversail of public footpath (ELSTREE & BOREHAMWOOD 053): Notwithstanding any consent issued under the Town and Country Planning Act, separate approval will be needed from Hertfordshire County Council in respect to the proposed oversail of the pedestrian / cycle bridge over footpath ELSTREE & BOREHAMWOOD 053.
15. Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

16. "To minimise any risk to bats, in the event that T5 is subject to removal or tree works, further survey effort in the form of emergence surveys must be carried out to determine presence/ likely absence, in accordance with BCT Good Practice Guidelines (4th Ed). During the course of the works, if any bats are encountered work must stop, and bats transferred by a licenced bat ecologist to a replacement roost in accordance with the latest best practice. Advice should be sought from the licenced bat ecologist prior to the recommencement of any work.

Case Officer Details

