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Date: 14 July 2026

To: All Members of the Planning Committee

cc: All other recipients of Planning Committee agenda

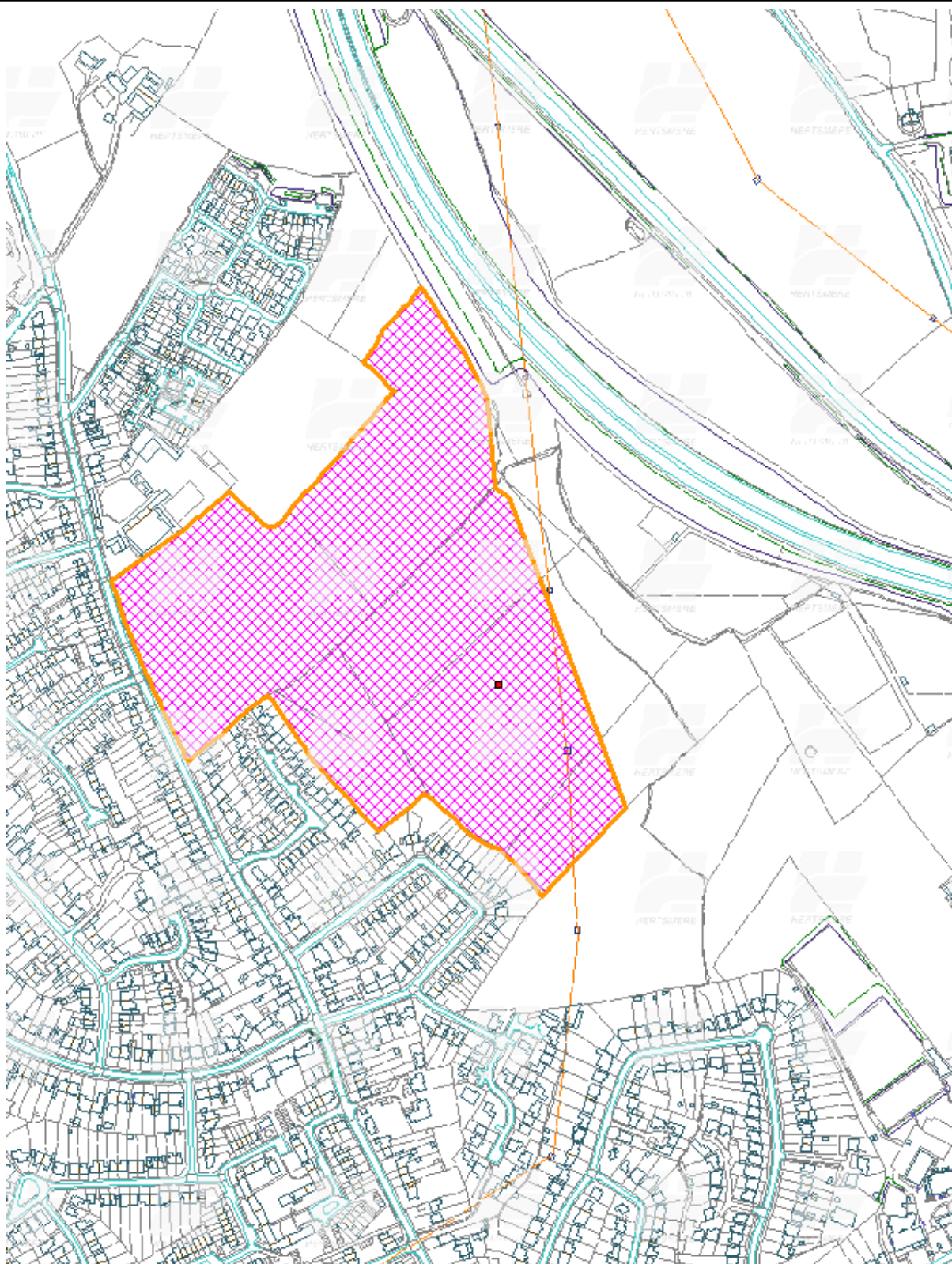
Planning Committee – Thursday, 16 July 2026

I enclose for consideration at the above meeting the following reports, which have been issued after the main agenda:

20260716PL-6C- Supplementary Report - Land East of Little Bushey Lane (Pages 1 - 133)
CONFIDENTIAL 20260716PL-6C- Land East of Little Bushey Lane Report
App1-20260319PL-5D-24-1522-OUT - Land East of Little Bushey Lane Map
App1-20260319PL-5D Little Bushey Lane Committee Report FINAL
App1a-20260319PL-5D-App1 Land at Bushey Lane, Bushey - Case Office Comments
App2-20260319PL-5 Update Sheet-Extract
App3-20260319PL Minutes-Extract
CONFIDENTIAL App4-Land East of Little Bushey Lane Counsel

Yours faithfully

Democratic Services
Democratic Services



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Planning Committee – 16 July 2026

SUPPLEMENTARY PLANNING REPORT TO BE CONSIDERED UNDER AGENDA ITEM 6 - PLANNING APPEALS: CURRENT POSITION

**APPLICATION NO: 24/1522/OUT - LAND EAST OF LITTLE BUSHEY LANE AND
NORTH OF THE SQUIRRELS
APPEAL REF NO: 6009089**

DEVELOPMENT

Application for residential development (up to 280 dwellings) with access from Little Bushey Lane, a mobility / community hub (Class E), along with car parking, drainage and earthworks, open space and all ancillary and enabling works (Outline Application with Appearance, Internal Access, Landscaping, Layout and Scale Reserved for subsequent approval).

AGENT

Kathryn Ventham
Twenty5
10 Bank House
8 Cherry Street
Birmingham
B2 5AL

WARD: Bushey Park

GREEN BELT: Yes

CONSERVATION AREA: No

LISTED BUILDING : No

TREE PRES. ORDER: No

APPELLANT

Redrow Homes Ltd

REASONS FOR COMMITTEE CONSIDERATION

This matter is urgent in respect of an ongoing appeal scheduled to begin on 29th September 2026.

1.0 RECOMMENDATION

- 1.1 That the Planning Committee considers the advice of officers, given in light of Counsel advice received, in relation to the appeal by Redrow Homes Limited against the refusal of outline planning permission.
- 1.2 That the Planning Committee delegates to the Chief Executive the power to determine the Council's approach to the appeal in consultation with the Council's external legal advisor.

2.0 THE CURRENT POSITION

2.1 The above application was presented to the Planning Committee on 19th March 2026 with a recommendation to grant outline planning permission subject to the completion of a Section 106 Agreement and conditions. The officer's original Committee Report is appended to this report. The central issue that related to the recommendation was whether the application site constituted Grey Belt Land and if the proposal constituted inappropriate development. The other material planning considerations relate to, whether the application complies with relevant local and national policies with respect to highways and flood risk/drainage.

2.2 The Planning Committee rejected the officer recommendation and refused the application on the grounds that the proposed development constituted inappropriate development in the Green Belt, and that the totality of the harms arising would clearly outweigh the benefits such that very special circumstances did not exist.

2.3 The reason for refusal in the Decision Notice was as follows:-

The proposed development is not considered to comply with any exception set out at paragraphs 154 or 155 of the NPPF 2024, and therefore is considered to be inappropriate development in the Green Belt. The benefits of the development including the provision of housing, including 50% affordable housing, compliance with the Golden Rules set out at paragraphs 156 and 157 of the NPPF, provision of public open space, provision of a mobility/ community hub and economic benefits, are not considered to clearly outweigh the harms arising. The harms identified include definitional harm to the Green Belt, harm to Green Belt openness, conflict with Green Belt purpose (a), landscape harm, inadequate highways infrastructure mitigation, flood risk, and unsustainable location. As such, there are no very special circumstances that would justify the grant of planning permission as set out at paragraph 153 of the NPPF. The scheme would fail to comply with the NPPF (2024), Policy SADM26 of the Site Allocations and Development Management Policies Plan (2016) and Policy CS13 of the Core Strategy (2013). Accordingly planning permission is refused.

2.4 In reaching its decision to refuse the Committee took the view that the site was not Grey Belt land in a sustainable location and furthermore, very special circumstances did not exist to justify granting permission.

2.5 In determining that very special circumstances did not exist the Committee identified landscape harm; flood risk; infrastructure mitigation; inadequate highways and an unsustainable location as weighing against the proposals.

2.6 It was the view of the Committee that the site made a strong contribution to Green Belt purpose (a) namely **to check the unrestricted sprawl of large built up areas.**¹

2.7 The applicant subsequently appealed the refusal to grant planning permission. In preparation for the appeal the Council appointed independent planning and legal advisors to assist in preparing the Council's case at appeal.

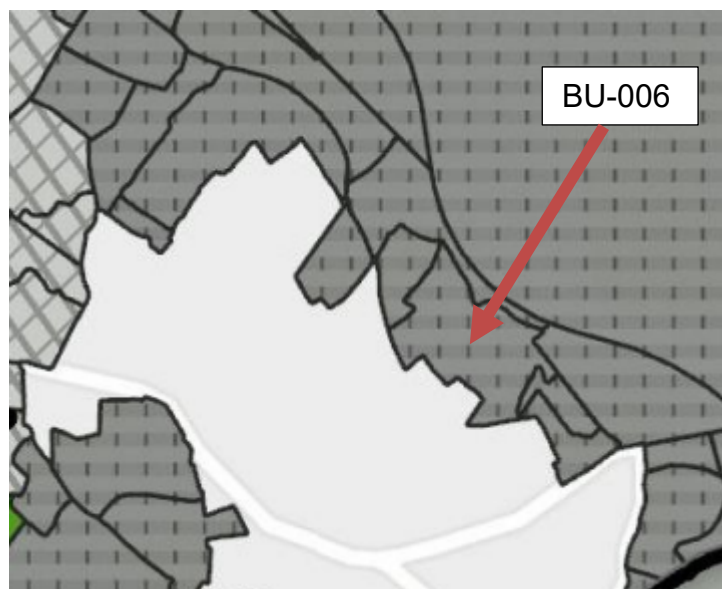
¹ Paragraph 143 of the National Planning Policy Framework (NPPF).

2.8 As a consequence, the Council received legal advice on its case. This advice was received on 9th July 2026. In providing this advice legal counsel reviewed the totality of the Council's case including the original Committee report, watching the debate and discussion at planning committee (webcast) in which issues of concern from members were identified and, in addition, further decisions taken by the Council post the committee decision.

2.9 In the meantime, the Council has been progressing with the preparation of its new Local Plan (Regulation 18). The substantive part of this work is being carried out by specialist consultants employed by the Council including a company called AECOM.

2.10 At its meeting of Full Council on 15th April 2026 the Council resolved to publish a draft Local Plan Consultation Document under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) for public and stakeholder engagement.²

2.11 As part of the evidence base for the Regulation 18 Plan the site was subject to a Green Belt Assessment. This assessment was carried out by AECOM. The application site forms a substantive part of Assessment Area BU-006 assessed in the Green Belt Study. The study concludes that based on the assessment methodology that the application site **makes a weak or no contribution to purpose (a) of the Green Belt.**



2.12 Furthermore, and in light of the Green Belt Assessment findings, the application site forms part of a candidate site allocation for residential use (site ref. HBUSA SA4) in the Regulation 18 Local Plan.

2.13 The advice received from Counsel about the Council's position is clear and unequivocal.

² Full Council Report C/26/24, 15 April 2026.

2.14 Government guidance sets out the general approach to appeals where circumstances change as follows:

In general, appeals are determined on the same basis as the original application. The decision will be made taking into account national and local policies, and the broader circumstances in place at the time of the decision. Where any change between the original planning decision and the appeal has the potential to affect the outcome, all parties will have an opportunity to comment on the new material.³

2.15 Government guidance on appeals goes on to advise that Local Planning Authorities should review their case promptly following the lodging of an appeal against refusal of planning permission (or non-determination), and the failure to do so could result in an award of costs.⁴

2.16 Where a decision has been made by the Planning Committee (including against officer's recommendation) there is no power of delegation in the Council's Constitution to enable officers to re-consider the authority's position in the light of changing circumstances during the progress of a planning appeal. Part 5.7 – Code of Conduct for Members and Officers Dealing with Planning Matters is silent on the approach in such circumstances. It is, however, common practice amongst Local Authorities that in situations where a change of circumstances and/or new information becomes available which could have a significant impact on the outcome of an appeal there is a reference back to the Planning Committee to seek its views.

2.17 This is considered good practice in the light of the advice from the Government in respect of the handling of planning appeals and the associated cost regime.

2.18 Appeals by their very nature are adversarial and both parties will wish to present the best case possible to an Inspector. Therefore, in order not to prejudice the Council's position at appeal it will be necessary (as is the case here) to discuss certain matters in confidential session. Given the additional advice (legally privileged) and change in circumstances it is appropriate to bring back to Planning Committee a report setting out these matters, some of the details of which, will need to be discussed in confidential session (the details of which are appended to this report).

³ Planning Practice Guidance, Paragraph: 006 Reference ID: 16-006-20140306

⁴ Planning Practice Guidance, Paragraph: 049 Reference ID: 16-049-20140306.

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Date of Meeting: 19 March 2026

APPLICATION NO: 24/1522/OUT

DATE OF APPLICATION: 25 November 2024

STATUTORY START DATE: 17 December 2024

SITE LOCATION

Land East Of Little Bushey Lane And North Of The Squirrels, Little Bushey Lane,
Bushey, Hertfordshire

DEVELOPMENT

Application for residential development (up to 280 dwellings) with access from Little Bushey Lane, a mobility / community hub (Class E), along with car parking, drainage and earthworks, open space and all ancillary and enabling works (Outline Application with Appearance, Internal Access, Landscaping, Layout and Scale Reserved for subsequent approval).

AGENT

Kathryn Ventham
10 Bank House
8 Cherry Street
Birmingham
B2 5AL

APPLICANT

Redrow Homes Ltd

Co Agent

WARD: Bushey Park

GREEN BELT: Yes

CONSERVATION AREA: No

LISTED BUILDING: No

TREE PRES. ORDER: No

REASONS FOR COMMITTEE CONSIDERATION

This is a major development subject to a legal agreement exceeding the threshold of delegated authority in the constitution.

1.0 RECOMMENDATION & EXECUTIVE SUMMARY

1.1 RECOMMENDATION:

Delegate to the Head of Planning, Economic Development and Climate Change to approve subject to a suitably worded s106 Planning Agreement and conditions.

In the event of a suitably worded s106 agreement not being agreed within six months, or a longer time frame agreed in writing where realistic progress has been made, delegate to the Head of Planning, Economic Development and Climate Change to refuse planning permission.

1.2 EXECUTIVE SUMMARY:

- 1.2.1 The application seeks Outline planning permission for up to 280 dwellings with a mobility/ community hub, and associated public open space, to include 50% affordable homes.
- 1.2.2 The application has been subject to extensive consultation, in particular with the LLFA and National Highways, since it was validated in December 2024. Amendments have been made to the relevant technical documents and the proposed drainage strategy to achieve a scheme that is compliant with the relevant national and local flood risk policies.
- 1.2.3 The Council appointed an independent flood and drainage consultant, Tetra Tech, to scrutinise the applicant's flood risk and drainage documentation together with the LLFA's consultation responses. Tetra Tech provided the Council with a report, dated 29 January 2026, confirming that the applicant's flood risk technical documents and drainage strategy are compliant with local and national policies.
- 1.2.4 The site is located within the Green Belt. Officers have determined that the site meets the definition of grey belt as set out in the Planning Practice Guidance. The development is also compliant with paragraph 155 of the NPPF and the Golden Rules, and therefore the development is not considered to be inappropriate in the Green Belt. Nonetheless, should Members disagree that the site is grey belt, Officers are satisfied that the harm arising to the Green Belt, and any other harm identified in this assessment, is clearly outweighed by the benefits of the scheme.
- 1.2.5 Harms arising are limited to landscape impacts, which arise from the change in character from open and pastoral grazing land to that of a suburban housing development. This is afforded moderate weight when mitigation is considered.
- 1.2.6 The benefits of the scheme are considered to comprise delivery of market housing (substantial weight); delivery of affordable housing (substantial weight); meeting the Golden Rules (significant weight); provision of public open space (significant weight); provision of a mobility hub/ community hub (moderate weight); and economic benefits (moderate weight).

- 1.2.7 As such, the adverse impacts of the development are not considered to significantly and demonstrably outweigh the benefits of the scheme. The tilted balance applies, and planning permission should be granted.

2.0 APPLICATION SITE AND SURROUNDINGS

- 2.1 The application site comprises a large parcel of grazing land of some 14.7 hectares, sited to the south and south-east of Harts Farm Stables and east of Little Bushey Lane. The site is located wholly within the Metropolitan Green Belt, between residential development along Little Bushey Lane and the M1. The application site is smaller than that which formed part of the previous Outline planning application; the red line has been amended to exclude the part of the site that falls within a high-risk area of fluvial flooding.
- 2.2 The application site is formed of undeveloped land separated by hedgerow and fencing into fields currently leased by Harts Farm Stables for grazing horses. Land levels vary significantly within the site; the north-western field adjacent to Little Bushey Lane sits largely level with the road, before sloping gently upwards and then more sharply downwards towards the M1 at the north-eastern field, and down towards the southern field. There are two electricity pylons within the site with overhead lines running north-south. The site contains mature trees and hedgerow both around its perimeter and along the field boundary traversing the site east-west.
- 2.3 There are two Public Rights of Way within the site – Bushey footpath 033 which runs along the northern boundary and Bushey footpath 040 which runs through the site in a west-east direction. Both are accessed via a timber gate on Little Bushey Lane. The only vehicular access to the site is currently via Harts Farm; new pedestrian and vehicular access points from Little Bushey Lane are proposed as part of the development.
- 2.4 The Bushey Heath Drain (Main River) runs eastward to the north of the red line boundary. The application site does not contain any medium or high-risk areas of fluvial flooding as these have been expressly excluded from the red line boundary. There are areas of low, medium, and high-risk areas of surface water flooding, which broadly align with the on-site water courses
- 2.5 The site is bounded to the south partly by Little Bushey Lane and partly by the rear boundaries of residential dwellings at The Squirrels and Wayside Avenue. The area is residential in character with predominantly two-storey detached and semi-detached dwellings. To the north the site is bounded by Harts Farm Stables and further grazing land associated with this property. Further to the north is the Rossway Drive residential development which

comprises apartments and dwellings of 2-3 storeys in height. To the east the site is bounded by grazing and scrub land, with the M1 and further agricultural Green Belt land beyond.

3.0 THE PROPOSAL

- 3.1 Outline planning permission is sought (all matters reserved but access) for a residential development of up to 280 dwellings, including 50% affordable homes. This would include a range of housing types, sizes and tenures which have been agreed with the Council's Housing team.
- 3.2 Also proposed is a community facility/ community hub (Use Class E) which could contain community space, a parcel drop off/ pick up, EV charging, and bicycle storage as an example. The development proposes a new vehicular access from Little Bushey Lane, and a separate pedestrian/ cycle and emergency access to Little Bushey Lane. Green Infrastructure is proposed throughout, including play space, public open space, SuDS features, buffer planting, and habitat creation.
- 3.3. The proposed parameters plan indicating developable areas is shown below at Figure 1. An illustrative site plan is shown at Figure 2, which sets out one possible way the site could be developed in accordance with the parameters plan.

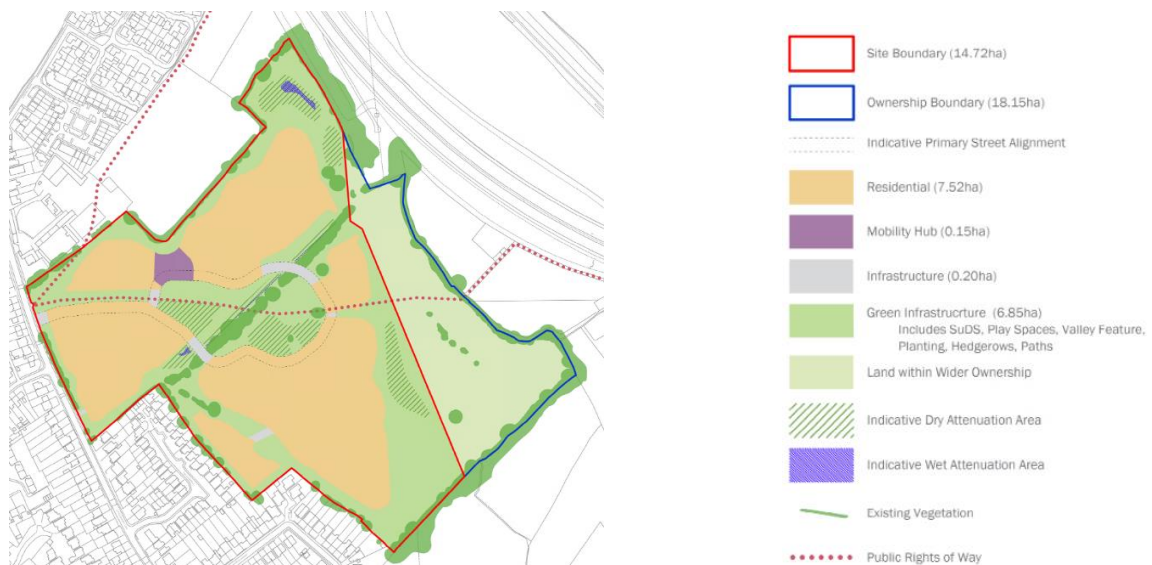


Figure 1: Proposed Parameters Plan



Figure 2: Illustrative Site Plan

4.0 RELEVANT PLANNING HISTORY:

Reference number	Description	Date and outcome
23/0001/APP Appeal ref: APP/N1920/W/23/3314268	Appeal: Application for residential development (up to 310 units) with access from Little Bushey Lane, and land reserved for primary school, community facilities and mobility hub (Class E) along with car parking, drainage and earthworks to facilitate drainage, open space and all ancillary and enabling works. (Outline Application with Appearance, Landscaping, Layout and Scale Reserved).	19 July 2023 Appeal Dismissed
22/0894/EI1	Request for screening opinion (Environmental Impact Assessment - Screening).	1 June 2022 Response Given
22/1071/OUT	Application for residential development (up to 310 units) with access from Little Bushey Lane, and land reserved for primary school, community facilities and mobility hub (Class E) along with car parking, drainage and earthworks to facilitate drainage, open space and all ancillary and enabling works. (Outline Application with Appearance, Landscaping, Layout and Scale Reserved).	19 July 2023 Refuse Permission

Reference number	Description	Date and outcome
24/1496/EI1	Request for screening opinion (Environmental Impact Assessment - Screening).	16 December 2024 Response Given

5.0 CONSULTATION & RESPONSES

5.1 Notices

Site Notice (Generic) 17th February 2025 Expiry Date: 10th March 2025

Watford Observer 24th January 2025 Expiry Date: 14th February 2025

5.2 Summary of consultation responses

Consulted:

Consultee	Date Consulted
Place Services - Essex County Council- Arboriculture Consult	8 January 2025
Place Services - Essex County Council- Landscape Consultant	8 January 2025
Elstree Aerodrome	8 January 2025
Met Office	8 January 2025
National Highways	8 January 2025
CPRE Hertfordshire	19 February 2025
Sport England	15 January 2025
Natural England Consultation Service	8 January 2025
Health & Community Services Management Board (HCC)	8 January 2025
Environment Agency	8 January 2025
Highways	8 January 2025
Parks & Cemeteries - Waste & Street Scene	8 January 2025
NHS England	8 January 2025
NHS 1	8 January 2025
Building Control	8 January 2025
Senior Traffic Engineer	8 January 2025
Environmental Health & Licensing	8 January 2025
Waste Management Services	8 January 2025
Tree Officer	8 January 2025
Uk Power Networks	8 January 2025
Cadent Gas Limited (Prev National Grid Company Plc)	8 January 2025
Thames Water Development Planning	8 January 2025
Affinity Water Limited	8 January 2025
The Hertfordshire Environmental Records Centre	8 January 2025
HCC Minerals And Waste Planning Team	8 January 2025
Herts & Middlesex Wildlife Trust	8 January 2025
Ecology	8 January 2025
Senior Flood Risk And SuDS Officer	8 January 2025
National Highways	8 January 2025
CIL	8 January 2025
Policy & Transport - Majors Only	8 January 2025
Transport For London	8 January 2025
Policy & Transport - Majors Only (GP)	8 January 2025
Climate Change	8 January 2025
Hertfordshire Fire & Rescue Service - Hydrants Only	8 January 2025

Consultee	Date Consulted
Catherin	
HCC Growth & Infrastructure	8 January 2025
NHS East Of England Ambulance Service	8 January 2025
Economic Development Officer - Lesley Crisp	8 January 2025
S106	8 January 2025
CIL2 -	8 January 2025
Urban Design Officer	8 January 2025
East Of England Ambulance Service	8 January 2025
Housing	8 January 2025
HCC Growth & Infrastructure - (S106)	8 January 2025
Rights Of Way Countryside Access Officer	8 January 2025
HCC Growth And Infrastructure Team (South West)	8 January 2025
HCC - Healthy Places	8 January 2025
ATE Active Travel England (ATE)	8 January 2025
Place Services - Essex County Council - Conservation Advice	9 September 2025
HCC Archaeology	9 September 2025

Responses:

Consultee	Comment
Place Services - Essex County Council- Arboriculture Consult	<u>24 January 2025</u> No objection raised subject to a condition for submission and approval of an arboricultural method statement. <i>Officer comment – the requested condition is attached.</i>
Place Services - Essex County Council- Landscape Consultant	<u>6 February 2025</u> The scheme is considered to address the previous issues raised by the refused scheme (ref. 22/1071/OUT). There is a reduction in houses and a looser layout which retains important field boundaries and their hedgerows and mature trees. However, concerns raised with regards to unknown topographical changes proposed. Queries/ clarifications requested on the LVA's methodology and terminology. Recommended that views from within the site are considered to inform the masterplan. Visuals and sections provided should inform the finished topography of the site. Concerns raised regarding the impact on landscape character. <u>25 April 2025</u> Noted receipt of additional information that resolves

Consultee	Comment
	a number of concerns raised previously. <u>7 July 2025</u> Topographical information welcomed. Some concern raised with regards to the extent of hedgerow loss to facilitate construction of the road between the two development parcels. Concerns also raised regarding the steepness of the attenuation basin at Section A-A. If this is to be permanently wet it may require fencing which is unattractive. Overall, concern remains that an acceptable relationship between the landscape fabric and the features of the site have been reached.
Met Office	<u>10 January 2025</u> No objection.
National Highways	<u>29 January 2025</u> Holding objection issued – an assessment of travel impacts on M1 J5 required. <u>26 March 2025</u> Comments received from National Highways drainage asset team. Additional information and surveys required in order to demonstrate that the development would not result in flooring or surface water runoff affecting the M1. <u>4 July 2025</u> No objection in terms of fluvial flood risk, or flood risk to the M1, subject to a condition for a full drainage maintenance strategy. <i>Officer comment – the requested condition is attached.</i>
CPRE Hertfordshire	<u>14 February 2025</u> Objection raised – the site is not a draft allocation and the application submissions do not address the previous reasons for refusal. No very special circumstances arise.
Sport England	<u>20 January 2025</u> Objection raised – the provision of community sports facilities required, or financial contributions in lieu.

Consultee	Comment
	Condition requested to require submission and approval of Active Design principles within reserved matters. <i>Officer comment – the provision of community sports provision is not considered to be necessary for the scale of development proposed. An appropriate amount of public open space is proposed, including formal and informal play space. Sport England are not a statutory consultee for residential developments but do provide advice on the provision of sports facilities and playing pitches where developments propose 300 dwellings or more.</i>
Environment Agency	<u>28 January 2025</u> No objection subject to an informative reminding the applicant that they may require a Flood Risk Activity Permit due to the development's proximity to the Bushey Heath Drain. <i>Officer comment – this informative is attached.</i>
Highways	<u>20 February 2025</u> No objection subject to conditions – see report for detailed summary of comments received. Conditions requested in relation to the design of the new accesses from Little Bushey Lane, off-site highways infrastructure, public transport infrastructure, a Construction Traffic Management Plan, Travel Plan, Rights of Way, street maintenance, and detailed highways plans. Standard informatives also recommended. s.106 obligations requested include bus service improvements, personalised and school travel plans, and a contribution towards the emerging LCWIP development. <i>Officer comment – the requested conditions and informatives are attached to the report. The requested 2.106 Heads of Terms are listed within the report also.</i>
NHS	<u>7 February 2025</u> s.106 financial contribution of £468,048 to mitigate the health impacts of the development. Funds to be focussed on Little Bushey Surgery and/or other provision serving the development.

Consultee	Comment
	<i>Officer comment – this request is included in the Heads of Terms listed within the report.</i>
Environmental Health & Licensing	<u>22 January 2025</u> No objection subject to conditions in relation to noise, land contamination, lighting, and air quality. A scheme with good acoustic design would be expected at reserved matters stage. Noted that the majority of the development is located within a Source Protection Zone (Zone II Outer Protection Zone), with parts of the eastern edge of the site also falling within Zone I Inner Protection Zone. Recommended that the Environment Agency be consulted. <i>Officer comment – the requested conditions and informatives are attached. The Environment Agency were consulted and have provided comments.</i>
Waste Management Services	<u>30 January 2025</u> No comments offered at this time – Street Scene would require discussions with the Planning Officer to review and agree details for refuse and recycling provision. <i>Officer comment – refuse and recycling provision falls to be determined at reserved matters stage.</i>
Cadent Gas Limited (Prev National Grid Company Plc)	<u>11 January 2025</u> No objection.
Thames Water Development Planning	<u>21 January 2025</u> No objection, however it was noted that there is an inability of the existing sewage treatment works infrastructure to accommodate the needs of the development. Therefore, a condition is requested restricting occupation of the development until confirmation is provided that all sewage works upgrades required have been completed, or a development and infrastructure and phasing plan has been agreed with the Local Authority in consultation with Thames Water. <i>Officer comment – the requested condition is attached.</i>
Affinity Water Limited	<u>29 January 2025</u>

Consultee	Comment
	No objection subject to the imposition of conditions relating to groundwater contamination, noting the development's location within Source Protection Zones for Affinity Water public water supply. <i>Officer comment – the requested conditions are attached.</i> <u>23 April 2025</u> No objection subject to the attached condition.
HCC Minerals And Waste Planning Team	<u>22 January 2025</u> No objection subject to a condition for a Site Waste Management Plan. <i>Officer comment – this condition is attached.</i>
Ecology	<u>1 April 2025</u> No objections. Habitat and species surveys are acceptable. Proposed ecological enhancements acceptable although they include land not within applicant's ownership and therefore this could be reconsidered. Biodiversity Net Gain in excess of 10% is proposed. Conditions for a Construction Ecological Management Plan, and a Habitat Management and Monitoring Plan recommended. <i>Officer comment – the recommended conditions are attached.</i>
Senior Flood Risk And SuDS Officer	<u>13 March 2025</u> Objection raised. Recommended that the LPA satisfies itself that the development passes the Flood Risk Sequential Test. The proposed SuDS are considered to increase the risk of flooding elsewhere. The development is not compliant with the relevant national and local flood risk policies. <u>17 October 2025</u> No objections subject to conditions. <i>Officer comment – the requested conditions are attached.</i>
Hertfordshire Fire & Rescue Service - Hydrants Only Catherin	<u>13 January 2025</u> Requested condition for installation of fire hydrants

Consultee	Comment
	at no cost to the County Council or Fire and Rescue services.
HCC Growth & Infrastructure	<u>29 January 2025</u> No objection subject to planning obligations to secure financial obligations towards secondary education, special educational needs and disabilities, waste services transfer station, and monitoring fees. <u>20 June 2025</u> No objection. Revised figures provided for financial contributions. <i>Officer comment – the requested obligations are included in the listed heads of terms.</i>
East Of England Ambulance Service	<u>15 January 2025</u> Proposed development expected to generate additional 142 incidents per annum for ambulance services. s.106 obligations requested to support the relocation and build of Watford Ambulance Hub including EV charging infrastructure, and support an additional ambulance (costs in the region of £140,000 for 5 years). <i>Officer comment – Ambulance contributions are considered to be covered by the Community Infrastructure Levy and therefore s.106 obligations would not be necessary.</i>
Rights Of Way Countryside Access Officer	<u>16 January 2025</u> Noted positive that Bushey public footpaths 33 and 40 would remain in the same locations. Legal and physical upgrade of Bushey public footpath 040 to public bridleway is welcomed. s.106 obligation requested to assist the landowner of the remaining section of public footpath 040 to legally divert the footpath onto the used route and surface improvements. The section of public footpath 040 within the blue line boundary should be finished in loose bound granite stone. The current culvert structure over the Environment Agency watercourse (Bushey Heath

Consultee	Comment
	Drain) shall be replaced with a plastic clear span bridge to their specifications.
ATE Active Travel England (ATE)	<u>22 January 2025</u> Holding objection – additional information required in relation to trip generation analysis, travel planning, active travel route audit, accessibility, off-site active travel infrastructure, placemaking and site permeability, and cycle parking. <u>2 April 2025</u> No objection. <i>Officer comment –Parking matters fall to be determined at reserved matters stage.</i>
Place Services - Essex County Council - Conservation Advice	<u>30 September 2025</u> Owing to the physical separation between the site and identified heritage assets both built and natural, the proposed development is not considered to adversely affect their setting. No objections raised.

5.3 Neighbour responses

In Support	Against	Comments	Neighbours Notified	Contributors Received
46	529	5	3804	635

Neighbour comments are summarised below. Objection comments are grouped by theme to allow an Officer response to each particular aspect of the planning assessment.

Comments regarding non-material planning considerations such as impact on property values, or loss of views from residential dwellings, are not relevant to the planning assessment and are not addressed here.

General Comments

Comments neither in support of, or objecting to, the development raised the following:

- The development is suitable for swift bricks within the walls of new houses. These should be secured by condition.

- Bird boxes fixed to trees are an inadequate enhancement for a development of this scale and will not offset the ecological damage caused.

Officer comment: The comments of HCC Ecology as the statutory consultee for ecological matters are considered in this report.

Comments in Support

Comments in support of the application raised the following:

- Affordable housing is great and could cater towards young professionals, which is what we need.
- There is a need for housing and if this is done right, it should benefit the area.
- Actually affordable homes are good for young families and gives people already living here a better chance to buy with a mortgage rather than relying on social housing.
- Affordable housing could help first time buyers or younger people trying to get on the property ladder.
- The plans for the new green space sound great. Green space is one of the reasons I live in Bushey.
- Hope that infrastructure will be considered.
- Housing in the area is expensive and single people can't afford to buy on their own. Affordable homes could mean that they can get a mortgage and buy a house at an affordable rate.
- I like the open spaces and a community feel, which adds value as long as it's well-kept.
- The plans include social space so residents aren't just stuck in their homes.
- Children don't play outside as much anymore so providing green spaces for them is good.
- The mix of different homes proposed will attract lots of different people.
- The homes provide an opportunity for older people to downsize.
- The land is currently pretty useless so I can't see why not to develop there.
- It's important that children will have more safe spaces to play and be out with their parents.
- The community hub is a good idea as there aren't enough things for older children to do.
- The development will help ease cost of living difficulties and might help to ease the burden of rental costs.

- If we need to sacrifice some green belt land for housing, then we should because we need the housing.

Objection comments

The majority of comments received were objections. A significant number of these were template responses.

An objection was received from Cllr. Nicolas as ward councillor, on behalf of residents. This objection related to the flood risk technical information provided by the applicant, including methodologies and runoff rates. It was suggested that Officers seek an independent review of the applicant's technical information to supplement the comments received from the LLFA.

Officers therefore instructed an independent consultant, Tetra Tech, to undertake this review. They found that the scheme is compliant with both national and local flood risk policy. A more detailed summary is provided in the body of the report.

The following concerns were raised:

Green Belt

- Loss of Green Belt land which preserves the character and beauty of the area and prevents urban sprawl.
- No exceptional circumstances/ very special circumstances have been demonstrated.
- Brownfield site should be developed first.
- The site safeguards the countryside from encroachment to the east of Bushey.
- The development does not align with the Council's priorities for sustainable development.
- This will set a precedent for further encroachment.
- Alternative sites should be considered.

Officer comment: The site is located within the Grey Belt. If planning permission is granted for the proposed development it would remain in the Green Belt; land can only be removed from the Green Belt as part of the Local Plan process.

The NPPF has been updated since the previous application on this site was determined. The concept of 'grey belt' was introduced in order to facilitate development on poorly performing Green Belt sites. An

assessment is made in this report which finds the site meets the definition of grey belt. Furthermore, the development complies with paragraph 155 of the NPPF, and is therefore not inappropriate development in the Green Belt. For this reason, Very Special Circumstances are not required. Please see the Green Belt section of this report for the full assessment.

Flood risk

- Little Bushey Lane is at breaking point with existing flooding issues.
- The site is at medium to high risk of surface water flooding with natural flow routes traversing the area.
- The development will lead to increased surface water run-off due to the loss of permeable land. This will exacerbate existing flooding issues.
- In heavy rain, Little Bushey Lane floods and the field and nearby gardens become waterlogged.
- The general area has suffered from inadequate drainage and surface water management for many years.
- Neighbouring Rossway Drive development has flooding issues and has worsened flooding.
- The development's mitigation measures such as raising land levels and installing drainage basins are not sufficient to address the long-term risks particularly as climate change increases the likelihood of extreme weather events.
- Natural drainage systems will be disrupted which may cause localised flooding.
- Flood Risk Assessment and drainage strategy not adequate/ robust.

Officer comment: The presence of flood risk on site is noted and the proposed development has been subject to extensive consultation with the Lead Local Flood Authority and Environment Agency. The applicant's Flood Risk Assessment and Drainage Strategy have been amended in the course of the application to address comments from the Lead Local Flood Authority, resulting in their objections being withdrawn. The development is considered to be compliant with flood risk policies, subject to the conditions imposed to secure the required detailed drainage scheme once the scheme design is known.

Landscape

- The development should be subject to thorough landscape impact assessments. Any approved plan must include green buffers, tree retention, and landscape preservation efforts.

- The new public open space should be designated as a village green under the Commons Act to ensure that they are long term and accessible to the public.

Officer comment: The application has been assessed against the relevant landscape policies and a degree of harm to the character and appearance of the landscape has been identified. This is weighed in the planning balance.

A detailed scheme of landscaping will be required at reserved matters stage once the scheme design is known. The ongoing maintenance of landscaping and the public open space proposed will also be secured.

The proposed public open space would not qualify as a village green under the Commons Act and this would not be required in any case. The s.106 agreement would ensure that the public open space on site is available for the use of the community outside of the application site.

Character and appearance

- A development of this scale will alter Little Bushey Lane's semi-rural character to an overcrowded urban character, and diminish its appeal as a peaceful residential area.
- The site being Green Belt grazing land contributes to the local rural charm.
- The development is out of character/ proportion with the local area.
- The development density is too high.
- The area has a limited amount of green spaces, this development will erode the character of a leafy suburb.
- Loss of countryside beauty.

Officer comment: The design of the scheme is a reserved matter and therefore the assessment made in this report is limited to the development parameters proposed. It is acknowledge that the character of the site will inevitably change from one of open grazing land to that of a suburban area, if planning permission is granted.

Heritage

- Impact on listed Hilfield Castle and Rosary Priory.

Officer comment: The Council's Heritage Consultants have been consulted on the application and have provided comments in relation to the above assets. No harm to the setting of these assets has been identified.

Residential Amenity

- The development would be close to the A41 and M1, putting new residents at risk from noise pollution. This can lead to poor health and stress on local medical infrastructure.
- Loss of outlook/ views for residents in Wayside Avenue, The Squirrels, and neighbouring roads.
- Loss of light/ overshadowing from the new built form.

Officer comment: The proposed development, based on the submitted parameters plans, would be located a suitable distance away from existing dwellings such that there would be no harmful loss of light or privacy, or harmful overlooking. A Noise Impact Assessment was submitted with the application to assess the impact of traffic noise on future residents. This has been subject to scrutiny by the Council's Environmental Health team.

Transport and parking

- Traffic in the area is already bad and this will make it worse.
- Where will the cars be parked and how will they manoeuvre through the increased traffic?
- Vehicles would potentially spill into neighbouring streets such as Wayside Avenue and The Squirrels.
- Pressure on local petrol stations and increased queueing, which is noticeable at Costco and Bushey Heath.
- Increased air pollution from petrol fumes and associated health risks.
- The increased traffic might make it difficult for emergency services to navigate the area.
- Safety risk to pedestrians and cyclists from additional cars on the road.
- Safety risk to children walking to nearby schools.
- Insufficient public transport links, forcing residents to rely on private cars.
- The proposed access road is unsuitable for a large-scale project.
- The grounds for Highways withdrawing their objection are incomprehensible. People cannot leave earlier or later for their journeys if they are going to work or school.
- There is no evidence that people will switch from car use to cycling as their alternative means of transport.
- Roads opposite Bushey Meads School are unbearable during pick-up and drop-off times.
- Loss of two rights of way/ lack of protection for rights of way.

- The character of the right of way will change and there is no mention of the surface or width of the new path.
- If granted permission, all public footpaths should be designated, their width should be a minimum of 5m and a bridge should be built over the stream that bisects the right of way.
- The developer's Transport Assessment relies on unproven assumptions and overly optimistic mitigation strategies.
- Cumulative transport impacts with the proposed Compass Park development.
- A new trunk road should be built from the A41 to serve the development.
- The junction of Aldenham Road and Little Bushey Lane is already over capacity.
- The junction of the A41 and Sandy Lane is already congested and this will become more dangerous.
- There are no cycle lanes on Little Bushey Lane for people to cycle instead of driving.
- Little provision for car parking is shown.
- The Transport Assessment is inadequate and makes unsubstantiated assumptions.
- HCC Highways withdrew their objection on the basis of a payment from the applicant towards a bus service which is substantially underused.

Officer comment: National Highways and HCC Highways were both consulted on the application. Initial concerns raised by National Highways have been addressed by the applicant, such that the objection was withdrawn subject to conditions. HCC Highways have also not raised any objection in relation to highways safety, impact on the local road network, or the public rights of way. This too is subject to conditions and planning obligations to secure the required mitigation.

Ecology

- Loss of habitat for local wildlife.
- Reduction in biodiversity.
- The loss of habitat diminishes the community's connection to nature.
- The on-site flood plain provides a water habitat.
- The ecological surveys undervalue the site's biodiversity.
- The site is home to protected muntjack deer, pipistrelle bats, and Canada geese.
- Loss of trees.

Officer comment: The application has been subject to consultation with HCC Ecology, who have not raised an objections in relation to protected species or Biodiversity Net Gain. The applicant has demonstrated that in excess of 10% BNG will be achieved on site across habitat units, hedgerow units, and watercourse units.

Place Services Arboriculture were also consulted in relation to trees and have not raised any objections subject to conditions.

Environment and climate

- Increased carbon emissions during construction and as a result of additional vehicles in the area.
- Increased pollution and harm to the environment.
- Lack of meaningful solutions to mitigate air quality impacts.
- Light pollution.
- No assurances that the dwellings will be sustainable, e.g. with solar PV and heat pumps.

Officer comment: The application is in outline and the design of the scheme is not known at this stage. Nonetheless, an Energy and Sustainability Statement was submitted detailing the intended sustainability credentials of the dwellings proposed including solar PV and Air Source Heat Pumps. EV charging points are required for each new dwelling to enable a future shift from combustion to electric vehicles which will reduce emissions. Light pollution is to be controlled by condition.

Infrastructure

- Local infrastructure cannot cope with the increased demand, medical facilities are oversubscribed and it is difficult to get appointments.
- Buses are at full capacity at peak times.
- Buses are not accessible from the site and won't be used by residents who will need cars to get about.
- Local schools in the area are oversubscribed.
- Many stables in the area are being built on.
- The proposed community hub is unconvincing and does not justify the negative impacts of the development.
- Increased strain on infrastructure will make it more challenging for local businesses to operate efficiently. Traffic congestion will deter customers from engaging with local businesses.
- Lack of public water supply.
- Watford hospital over capacity.

- Local amenities are not within an 800m walk from the nearest entry point of the site.

Officer comment: The proposed development is CIL liable and therefore will contribute to mitigating the cumulative impacts of new development in the area. Site-specific mitigations are secured within the s.106 agreement, including the proposed bus and highway improvements. It should be noted that the previous proposed development on this site included land for a primary school, which was not welcomed by HCC as the school was deemed to be surplus to requirements. The educational need arising from this development is capable of being met by existing schools.

Other

- Increased anti-social behaviour/ increased crime.
- Disruption from building works including construction traffic, noise, dust, and general upheaval.
- Removal of green spaces will reduce opportunities for outdoor recreation and negatively impact on health.
- I want the inspector to uphold the Planning Committee's recommendation for refusal.
- Development on this site has been repeatedly rejected and is overwhelmingly opposed by residents.
- This application is too similar to the one that was previously turned down.
- The applicant's repeated application submissions appears designed to wear down opposition and force approval.
- Harm to resident's mental health from the loss of green space/ nature.
- The minor reduction in homes does not address the previous reasons the application was refused including by the High Court.
- The site is not allocated for development in the new local plan.
- Housing demand has fallen according to government figures.
- Affordable housing will not be local Bushey residents.
- Loss of equestrian facilities.

Officer comment: The site's planning history is detailed in full in this report. The fact that the site is not a draft allocation is immaterial to the assessment, as speculative applications must be assessed on their own merits. There have been material changes to national policy since the previous application was assessed, and therefore an amended scheme has been submitted for assessment as such.

Disruption to residents during construction phase would be controlled by a Construction Management Plan in the event that planning permission is granted.

The scheme proposes public open space and play space for future residents of the development as well as the broader local community.

The borough's housing need has increased to approximately 1,000 dwellings per annum and at the time of writing, the Council has a housing land supply of 1.3 years. As such there is an acute need for both market and affordable homes in the borough.

The application site comprises grazing land associated with Harts Farm Stables. The loss of this grazing land would not result in the loss of the equestrian facility.

6.0 PLANNING POLICY CONTEXT

6.1 National Policy/Guidance

- Listed Building and Conservation Area Act 1990
- National Planning Policy Framework 2024
- Planning Practice Guidance
- National Design Guide 2021

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
- CS17 Energy and CO2 reductions
- CS18 Access to services

- CS21 Standard charges and other planning obligations
- CS22 Securing a high quality and accessible environment
- CS24 Development and accessibility to services and employment
- CS25 Accessibility and parking
- CS26 Promoting Alternatives to the Car

Site Allocations and Development Management Policies Plan 2016

- SADM3 – Residential Developments
- SAMD10 – Biodiversity and Habitats
- SADM11 – Landscape Character
- SADM12 – Trees, Landscaping and Development
- SADM13 – The Water Environment
- SADM14 – Flood Risk
- SADM15 – Sustainable Drainage Systems
- SADM16 – Watercourses
- SADM17 – Water Supply and Waste Water
- SADM19 – Waste Storage in New Development
- SADM20 – Environmental Pollution and Development
- SADM26 – Development Standards in the Green Belt
- SADM29 – Heritage Assets
- SADM30 – Design Principles
- SADM37 – New and Improved Public Open Spaces
- SADM38 – The Road Hierarchy
- SADM39 – Transport Development Areas
- SADM40 – Highway and Access Criteria for New Development

6.3 Supplementary Planning Guidance / Documents

- Part D: Guidelines for High Quality Sustainable Development (draft 2016)
- Parking Standards Draft Supplementary Planning Document (2022)
- Draft Carbon Offset Fund Supplementary Planning Document (2022)
- Biodiversity, Trees and Landscape SPD (2010)
- Waste Storage Provision Requirements for New Residential Developments
- Affordable Housing SPD 2015

Other Material Considerations

- Community Infrastructure Levy Regulations
- Equality Act 2010
- South West Hertfordshire Local Housing Needs Assessment Update 2024
- South West Hertfordshire Strategic Housing Market Assessment 2016

- Planning Practice Guidance
- Hertfordshire Local Nature Recovery Strategy (LNRC)
- Evidence base for Local Plan

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 considerations indicate otherwise'.

7.2 The proposal raises the following key issues:

- Relevant Planning History
- Principle of Development
- Green Belt
- Landscape Impacts
- Visual Amenity and Design
- Heritage Impacts and Archaeology
- Impact on Residential Amenity & Living Conditions
- Affordable Housing
- Transport, Parking and Highways Safety
- Trees and Ecology
- Flood Risk and Drainage
- Air Quality and Contaminated Land
- Climate Change & Sustainability
- Planning Balance
- Planning Obligations
- CIL
- Equalities

Relevant Planning History

7.3 The wider site within the blue line was a draft allocation (site reference B1) in the now set-aside 2021 Draft Local Plan. It was not allocated for development in the 2024 Draft Local Plan (Regulation 18).

7.4 An application for Outline planning permission was submitted on this site in June 2022 proposing up to 310 dwellings, a community/ mobility hub, land for a primary school, and other supporting infrastructure (planning ref. 22/1071/OUT). An appeal on non-determination was submitted in January 2023, and following this the Council determined that it would have refused permission on the grounds of inappropriate development in the Green Belt

with no very special circumstances, harm to the character and appearance of the landscape, and flood risk. The appeal (ref. APP/N1920/W/23/3314268) was heard at a Public Inquiry in May – July 2023, and the Inspector dismissed the appeal on 19 July 2023.

- 7.5 The Inspector concluded that there would be substantial harm to the Green Belt due to inappropriate development, significant harm to the character and appearance of the area, and very substantial harm in respect of the site's suitability in relation to flood risk and in particular the failure of the Flood Risk Sequential Test.
- 7.6 Following this decision, the applicant together with Mead Realisations Limited sought a Judicial Review in the High Court. This related specifically to national flood risk policy and the application and consideration of the Flood Risk Sequential Test. The Judicial Review in relation to the application site at Little Bushey Lane was dismissed in February 2024, but nonetheless the High Court's decision provided clarifications on how national flood risk policies should be applied to proposed developments.

Principle of Development

- 7.7 The relevant policies are the NPPF (2024), and policies SP1 and SP2 of the Core Strategy 2013. 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. In terms of the Green Belt assessment, policy CS13 of the Core Strategy, and policy SADM26 of the Site Allocations and Development Management Policies Plan are relevant.
- 7.8 The development proposes up to 280 residential dwellings, 50% of which would be affordable. A mobility/ community hub is also proposed (Use Class E). The development would also include public open space, play space, and associated infrastructure.
- 7.9 The principle of development therefore has regard to the relevant policies for a residential-led development. The Council cannot currently demonstrate a five year housing land supply. The latest appeal-derived figure established the supply at 1.36 years¹. However, a figure of 0.98 years was used at a recent appeal² which the Council did not contest. Accordingly, this is likely to be considered the most up-to-date housing land supply. Either way, the figure falls substantially below the five-year requirement. Paragraph 11 of the NPPF requires that in such cases, planning permission should be granted unless:

¹ Figure derived by the Inspector for the Hartfield Avenue appeal decision of March 2024 (ref. APP/N1920/W/23/3329947).

² APP/N1920/W/25/3365681 – 49 Longview and Land to the rear of London Road, Shenley.

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 7.10 Areas or assets of particular importance include land designated as Green Belt, designated heritage assets, and areas at risk of flooding. All are relevant to this application site and are considered in turn within this report. As such, the principle of development must determine whether the proposals are inappropriate in the Green Belt and if so, whether there are very special circumstances to warrant a grant of permission; whether any heritage harm arises that is not outweighed; and whether there would be an unacceptable risk of flooding that would warrant refusal.

Green Belt

- 7.11 The application site is located wholly within the Metropolitan Green Belt. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 7.12 Paragraph 153 of the NPPF states that substantial weight must be given to any harm to the Green Belt, including harm to its openness. All development in the Green Belt is inappropriate, unless it complies with one of the defined exceptions set out in the NPPF. Paragraph 153 states that inappropriate development is by definition harmful and should not be approved except in very special circumstances.
- 7.13 The proposed development would not comply with any of the exceptions set out at paragraph 154 of the NPPF. Paragraph 155 relates to development proposed on land identified as grey belt and sets out a list of requirements for such development to be not inappropriate:

The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*

- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements.*

7.14 It must first be established whether the site comprises grey belt. Grey belt is defined in the NPPF as:

...land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

7.15 The application site comprises grazing land associated with Harts Farm Stables. Structures on the site are limited to field fencing, two electricity pylons, and a section of over ground utility pipe. It does not constitute previously developed land. It must therefore be assessed whether the site contributes strongly to purposes (a), (b) or (d) of the Green Belt set out at paragraph 143 of the NPPF, and whether there are any footnote 7 policies that would provide a strong reason for refusing or restricting the development. Guidance is set out within the PPG on how to assess application sites against these purposes; this is applied to each purpose in turn below.

7.16 Green Belt purpose (a) is to check the unrestricted sprawl of large built-up areas. The PPG explicitly states that villages should not be considered large built-up areas. The PPG criteria is reproduced in the table below:

Purpose A – to check the unrestricted sprawl of large built up areas	
Contribution	Illustrative features
Strong	Assessment areas that contribute strongly are likely to be free of existing development, and lack physical feature(s) in reasonable proximity that could restrict and contain development. They are also likely to include all of the following features: - be adjacent or near to a large built up area - if developed, result in an incongruous pattern of development (such as an extended “finger” of development

	into the Green Belt)
Moderate	Assessment areas that contribute moderately are likely to be adjacent or near to a large built up area, but include one or more features that weaken the land's contribution to this purpose a, such as (but not limited to): - having physical feature(s) in reasonable proximity that could restrict and contain development - be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development - contain existing development - being subject to other urbanising influences
Weak or None	Assessment areas that make only a weak or no contribution are likely to include those that: - are not adjacent to or near to a large built up area - are adjacent to or near to a large built up area, but containing or being largely enclosed by significant existing development

7.17 Bushey is considered to be a large built-up area. It is partially enclosed by existing development including Harts Farm Stables and Rossway Drive to the north, the M1 motorway to the east, and dwellings on Little Bushey Lane, The Squirrels, and Wayside Avenue to the west and south-west. These features are capable of restricting and containing development, preventing further sprawl into open countryside particularly to the east. If the site were to be developed, it would not result in an incongruous pattern of development but an extension to the existing suburban grain of residential development. Accordingly, Officers are satisfied that the site makes only a moderate contribution to purpose (a) of the Green Belt.

7.18 Turning to purpose (b), this purpose seeks to prevent neighbouring towns merging into one another. Again, the PPG is explicit that this purpose relates to the merging of towns and not villages. The PPG criteria is set out below:

Purpose B – to prevent neighbouring towns merging into one another	
Contribution	Illustrative features
Strong	Assessment areas that contribute strongly are likely to be

	free of existing development and include all of the following features: - forming a substantial part of a gap between towns - the development of which would be likely to result in the loss of visual separation of towns
Moderate	Assessment areas that contribute moderately are likely to be located in a gap between towns, but include one or more features that weaken their contribution to this purpose, such as (but not limited to): - forming a small part of the gap between towns - being able to be developed without the loss of visual separation between towns. This could be (but is not limited to) due to the presence or the close proximity of structures, natural landscape elements or topography that preserve visual separation.
Weak or None	Assessment areas that contribute weakly are likely to include those that: - do not form part of a gap between towns, or - form part of a gap between towns, but only a very small part of this gap, without making a contribution to visual separation

7.19 The application site is located adjacent to the settlement boundary of Bushey, which is considered to be a town. The nearest town is Elstree & Borehamwood to the east, which is sited some 3.3km away from the eastern boundary of the site. Intervening features in addition to the M1 motorway include the Hilfield Park Reservoir, Aldenham Country Park, Aldenham Reservoir, and relatively open countryside. In the context of this distance, the application site does not form a 'substantial' gap between the towns of Bushey and Elstree & Borehamwood. Development of the site would not result in the loss of visual separation between these two towns; they would remain geographically and visually distinct. On this basis, the application site is considered to make a moderate contribution to purpose (b).

7.20 Purpose (d) is intended to preserve the setting and special character of historic towns. The PPG is explicit that this relates to historic towns and not villages. The PPG criteria is set out below:

Purpose D – to preserve the setting and special character of historic towns	
Contribution	Illustrative features

Strong	Assessment areas that contribute strongly are likely be free of existing development and to include all of the following features: - form part of the setting of the historic town - make a considerable contribution to the special character of a historic town. This could be (but is not limited to) as a result of being within, adjacent to, or of significant visual importance to the historic aspects of the town
Moderate	Assessment areas that perform moderately are likely to form part of the setting and/or contribute to the special character of a historic town but include one or more features that weaken their contribution to this purpose, such as (but not limited to): - being separated to some extent from historic aspects of the town by existing development or topography - containing existing development - not having an important visual, physical, or experiential relationship to historic aspects of the town
Weak or None	Assessment areas that make no or only a weak contribution are likely to include those that: - do not form part of the setting of a historic town - have no visual, physical, or experiential connection to the historic aspects of the town

- 7.21 There is no definition provided in the NPPF or PPG of an historic town and therefore this is a matter of judgement. Whilst Bushey does have historic features, these are generally focussed around the historic core of the settlement at High Road where the Bushey High Street Conservation Area is located. This would have formed what is often referred to as 'Bushey village' which has medieval origins. The Conservation Area Appraisal acknowledges that Bushey has developed over centuries to a busy suburb. Much of the town's residential development, including that which surrounds the application site, would not be considered part of the settlement's historic village core.
- 7.22 Officers are satisfied that Bushey would not be considered an 'historic town' and therefore the application site makes a weak or no contribution to this purpose.
- 7.23 The application site does not make a strong contribution to any of purpose (a), (b), or (d). Therefore, the site would be grey belt provided that the application of policies relating to areas or assets identified in footnote 7 of the NPPF would provide a strong reason for refusing or restricting development. In this

case, the relevant policies include heritage assets, and areas at risk of flooding.

- 7.24 The application site is not located within or adjacent to a Conservation Area. However, there are a number of listed buildings within its broader setting. Place Services Heritage and Conservation were consulted, and their response is set out in more detail in the relevant section of this report. Ultimately, they concluded that the proposed development would not result in any adverse effect to the setting of nearby heritage assets and no objection was raised. As such, policies relating to the protection of heritage assets would not present a strong reason for refusing or restricting development.
- 7.25 In terms of flood risk, this is also assessed in detail in the relevant section of this report. The applicant amended the red line boundary of the site as part of the amended submission to exclude all areas of fluvial flood risk along the eastern boundary of the site. The assessment was therefore focussed on the medium and high-risk areas of surface water flooding across the site. Following a lengthy consultation process with the Environment Agency and the Lead Local Flood Authority, all outstanding objections were resolved. The Flood Risk Assessment and Drainage Strategy, insofar as it can be designed at Outline stage, were deemed to be acceptable and would ensure the development can be made safe from flooding for its lifetime. This conclusion is supported by the independent review of the applicant's flood risk assessment and drainage strategy that the Council commissioned. As such, policies relating to flood risk do not present a strong reason for refusing or restricting development.
- 7.26 It is therefore Officers' view that the application site is grey belt. However, the proposed development must comply with the other requirements of NPPF paragraph 155 to not be inappropriate development in the Green Belt. It must not undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; there must be a demonstrable unmet need for the type of development proposed the development must be in a sustainable locations; and the development must comply with the Golden Rules. This is now assessed.

Undermining the purposes of the remaining Green Belt

- 7.27 In order to undermine the purposes of the remaining Green Belt the proposed development would have to compromise the strategic function of Hertsmere's Green Belt as a whole, having regard to all green belt purposes including purpose (c). This is a very high bar.
- 7.28 Purpose (c) of the Green Belt is to assist in safeguarding the countryside from encroachment. As noted previously, the application site is partially enclosed

by existing development that would prevent unrestricted sprawl into the open countryside. The M1 motorway in particular forms a strong barrier between the site and the open countryside to the east, and thus would contribute to containing the development. The development would not result in any significant encroachment into the countryside noting the site's existing containing features, and the development would not increase the risk of further encroachment into the countryside.

- 7.29 Purposes (a), (b), and (d) have been assessed above and it has been concluded that the site does not make a strong contribution to these purposes. The remaining Green Belt within the borough would not be compromised for these reasons, and would continue to perform its functions against the cited purposes. Therefore, taking the Green Belt purposes as a whole, the development would not strongly conflict with any of these.

Demonstrable unmet need

- 7.30 The application scheme proposes up to 280 dwellings, 50% of which would be affordable. As set out in the Principle of Development assessment above, the Council's housing land supply is substantially below the required five years, and housing delivery has been historically low contributing to the ongoing shortage of housing in the borough. There is a substantial and pressing need for both market and affordable housing. As such, there is evidently a demonstrable unmet need for the development proposed. This requirement is met.

Sustainable location

- 7.31 The proposed development must be in a sustainable location, with particular reference to paragraphs 110 and 115 of the NPPF. Paragraph 110 states that significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 115 states that when assessing applications for development, it should be ensured that sustainable transport modes are prioritised; safe and sustainable access to the site should be achieved for all users; the design of streets, parking areas, other transport elements of the content of associated standards reflects current national guidance; and any significant impacts from the development on the transport network or on highway safety can be mitigated.
- 7.32 The application site is located adjacent to the existing Bushey settlement boundary. The nearest amenities are located on High Street, approximately 20 minutes' walk away. Local schools including Bushey Meads (five minute walk) and Little Reddings (12 minute walk) are sited in close proximity to the site entrance on Little Bushey Lane. The nearest bus stop is sited on Little

Bushey Lane to the south of the site, and is served by the 306/ 306A service which connects Watford and Borehamwood with busses every 30 minutes. A school service (823) also stops here, connecting the site with St Michaels School. Bushey Station is located 40 minute walk/ 11 minute cycle from the application site. There are two Public Rights of Way which cross the site, both of which would be retained.

- 7.33 The site's baseline accessibility level is reasonable. In order to improve this, the applicant has proposed a number of measures including upgrades to both Public Rights of Way to bridleways, and two new bus stops on Little Bushey Lane outside the site. These would be served half-hourly by service 306, which would be re-routed further south along Little Bushey Lane. This would make it more convenient for future residents of the development, and indeed existing residents, to use public transport to access local services and train stations (Bushey, Elstree & Borehamwood, or Watford) for commuter journeys further afield.
- 7.34 The above measures are agreed with HCC Highways and would be secured by s.106 agreement. It should also be noted that the site's accessibility was not considered to be a reason for refusal when the previous application was considered, and was not a key issue at the appeal. As such, Officers consider that the site is located in a sustainable location when the proposed mitigation measures are taken into account. This requirement at paragraph 155 of the NPPF is met.

Golden Rules

- 7.35 The Golden Rules are set out at paragraph 165 of the NPPF as follows:

Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions ('Golden Rules') should be made:

- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;*
- b. necessary improvements to local or national infrastructure; and*
- c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.*

- 7.36 With regards to point a., the relevant affordable housing requirement in this case is 50%. The development proposes 50% affordable housing on site, totalling up to 140 dwellings. The tenure mix and dwelling sizes are to be agreed with the Council's Housing team and would be secured in the s.106 agreement. This requirement is therefore met.
- 7.37 The necessary improvements to local infrastructure required to mitigate this development are set out in the Planning Obligations section of this report. These include the highways improvements set out above, in addition to financial contributions towards the educational and medical provision. In relation to point c., the application scheme includes new public open space including a central green with play space within the site, which would be served directly by the existing Public Right of Way. Onwards travel via this Right of Way would continue to the east, through a landscaped buffer along the eastern edge of the site. Other pockets of public open space and play space are proposed, with the Access and Movement parameters setting out an indicative network of paths connecting these to the existing Public Rights of Way. These spaces are accessible on foot for residents of the development, and their quality would be secured through detailed submissions at reserved matters stage. Officers are satisfied that this requirement is met.
- 7.38 As such, the development proposed would comply with the Golden Rules and the scheme is compliant as a whole with paragraph 155 of the NPPF. The development is therefore not inappropriate in the Green Belt, and as such there is no requirement to demonstrate very special circumstances. Per recent case law, development which is not inappropriate in the Green Belt does not give rise to Green Belt openness.

Landscape Impacts

- 7.39 Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, among other things, protecting and enhancing valued landscapes and by recognising the intrinsic character and beauty of the countryside.
- 7.40 Policy CS12 of the Core Strategy requires development to conserve and enhance the natural environment of the borough, including landscape character. Policy SADM11 states that development will be managed to help conserve, enhance, and/or restore the character of the wider landscape across the borough. 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.

- 7.41 The application site does not fall within an identified valued landscape. It is located partly within the Borehamwood Plateau and partly within the Elstree Ridge and Slopes Landscape Character Areas, as designated by the Hertfordshire Landscape Character Assessment. The site topography varies substantially, with a noticeable fall in landform towards the M1 motorway. The site has an open and verdant character with the presence of mature trees and hedgerow, though is subject to urbanising influences including the M1 and surrounding residential development. The site's openness is evident from Little Bushey Lane where it provides a significant break in built form along the northern side of the highway. It is also best appreciated from within the site at various points along the Public Rights of Way (Bushey 033 and 040) which cross the site.
- 7.42 A Landscape and Visual Appraisal was submitted with the application to assess the impact of the development on landscape character. This included viewpoint photography from various short and long range viewpoints. Place Services Landscape were consulted and provided initial comments in February 2025.
- 7.43 The initial response from Place Services noted that the revised application does address the previous issues raised from the refused scheme for up to 300 dwellings (ref. 22/1071/OUT). The reduction in homes and a looser layout which groups development away from the central valley retains important field boundaries and their hedgerows and mature trees. However, the scheme presented suggested a uniform terrain across the site which is not the case and therefore clarity was required in respect of any re-grading and re-modelling operations.
- 7.44 The absence of a Zone of Theoretical Visibility (ZTV) in the baseline information was raised as a concern, as it was not possible to check that all potential viewpoints had been included. It was suggested that more viewpoints from within the site along PRow 040 would be required. Clarity was requested with regards to potential re-grading, and associated drainage issues were also a concern. The magnitude of change in landscape character from a pastoral landscape to a residential one was considered to potentially be greater than stated in the LVIA.
- 7.45 It was agreed that the development would result in a high-magnitude change leading to a major/moderate effect. The retention of existing green infrastructure with some enhancement would mitigate some of the visual adverse effects. It was agreed that the masterplan allows for a transition from the proposed residential areas through to the surrounding landscape. The undeveloped part of the site prone to flooding would be enhanced, and the existing watercourse improved. This was considered to create some benefits.

- 7.46 A list of concerns and requests for further information was set out, including provision of a ZTV and clarification on the judgements on the magnitude of change. The visual and sections required amending to reflect the site's topography. It was considered that the extent and spread of development proposed would have a harmful effect on landscape character.
- 7.47 The applicant provided an addendum to the LVIA and Place Services were re-consulted. In their comments they welcomed the submission of a ZTV and additional base plans, additional viewpoint photography with winter views, and illustrative sections. The following was stated:
- 7.48 *Whilst we appreciate the provision of additional information and clarifications as contained within the LVA Addendum, we have outstanding concerns with the proposals as outlined in our previous response and above. Once a realistic workable Masterplan layout can be provided that assures an effective SuDS drainage strategy with long term retention of existing landscape features, development at the site may be appropriate. This has not yet been demonstrated. Nonetheless, the current Masterplan approach to retaining a large area of existing green infrastructure central to the site combined with the route of the PRow 40 is a clear improvement to the appealed scheme and allows greater scope to respond to guidance and judgements provided for the LCA22b and LCA23c Bushey fringes, Hersmere Sensitivity Assessment*
- 7.49 A further addendum was provided by the applicant. This contained a topographical survey and indicative post-development levels with tree constraints plan and updated sections, alongside a written response. Place Services welcomed this additional information but suggested that the site levels provided should be translated onto the site sections given. Concerns were raised regarding the extent of hedgerow lost for the construction of roads between the two development parcels, and how the watercourse would be affected. Proposes of the land take for the two link roads were requested to show the loss of landscape features. The steepness of the attenuation basin shown at Section AA was also raised as a concern, and gradients of no more than 1 in 3 were suggested as appropriate. Ultimately they were not convinced that an acceptable relationship had been reached between the landscape fabric and the features of the site.
- 7.50 No further responses were submitted in response to the remaining concerns outlined above. Officers have noted the landscape harm that is considered to arise, which ultimately cannot be fully quantified until reserved matters stage once the design of the development is known and detailed drawings, including sections, can be provided. Ultimately, the design of the SuDS basins was led by the requirement to resolve concerns raised by the LLFA and to ensure that the development would be compliant with the relevant flood risk policies.

Further work on the treatment of these basins would be appropriate at reserved matters stage.

- 7.51 A balanced view has been taken. Both Place Services and LPA Officers acknowledge that the scheme now proposed is of improved quality and design, with a greater emphasis on landscape and an improved treatment of public open spaces and the Public Right of Way experience. Though, a degree of harm to landscape character would still arise due to the change in character of the site from grazing land to residential neighbourhood with required topographical changes to accommodate suitable development platforms. On this basis, moderate weight is afforded to this harm.

Visual Amenity and Design

- 7.52 The NPPF places great importance on design quality, noting that good design is a key aspect of sustainable development. Policy CS22 of the Core Strategy 2013 also requires that all development should be of a high-quality design which ensures the creation of attractive and useable spaces. Policy SADM30 states that development will be permitted provided it recognises and complements the particular local character of the area and results in a high-quality design. In order for a development to be of high-quality design it must respect, enhance and improve the visual amenity of the area by virtue of its scale, mass, bulk, height and urban form.
- 7.53 The design of the scheme falls to be assessed at reserved matters stage and therefore this assessment has regard only to the proposed parameters, and the illustrative masterplan showing one possible way that the scheme could come forward. The parameters submitted relate to proposed land uses, access and movement, density, height and scale, street hierarchy, character areas, and urban design principles. The illustrative site plan provided is not a plan for approval at Outline stage, but shows how the proposed parameters could come forward.
- 7.54 Also for approval at this stage is the proposed site access and therefore detailed plans were submitted setting out the proposed access arrangements to Little Bushey Lane, including the emergency access. These are for Highways approval and therefore are not addressed here.
- 7.55 Informative comments were received from the council's in-house Urban Design Officer in relation to how the reserved matters scheme could come forward, based on the parameters submitted. Officers would expect a high-quality scheme of landscaping, with appropriate materials for the various levels of access routes through the site. Appropriate crossing points on the central spine road that loops around the central open space should be provided to ensure pedestrian priority across the site, particularly where the

PRoW crosses the development. No significant concerns were raised with regards to the proposed building heights or densities.

- 7.56 The proposed mobility/ community hub would be sited adjacent to an area of green space which was considered positive. At reserved matters stage it would need to be demonstrated that safe pedestrian access to this hub could be achieved. It was suggested that additional work may be required with regards to the site frontage onto Little Bushey Lane. The road has a clear pattern of built form addressing it along its length, and buildings proposed to front Little Bushey lane should appear as an extension to this form. The proposed road infrastructure running parallel to Little Bushey Lane may not help in this regard, so attention will be required here.
- 7.57 It was also suggested that a green/blue infrastructure plan be provided, setting out the detailed landscape framework and indicative drainage locations. Given the extent of discussions with the LLFA to achieve a suitable drainage scheme, an amended plan was not provided pending their agreement. Care will be required with regards to the design of play spaces to ensure they benefit from good passive surveillance, and the extent of hard standing across the site will need to be fully detailed once the scheme design is known. Comments regarding the potential changes in land levels were raised, similar to those raised by Place Services.
- 7.58 Officers are satisfied that the scheme now proposed represents an improvement over the previously refused scheme. Though the number of dwellings has been only slightly reduced, the illustrative designs set out within the Design and Access Statement demonstrate that the amended parameters can deliver a good quality scheme with building heights that respect the surrounding character. The above informative comments will largely become relevant at reserved matters stage in the event that Outline permission is granted.
- 7.59 With regards to land levels, these comments were received prior to additional information being received from the applicant with respect to site topography and proposed platforms. Officers are satisfied with the information received, notwithstanding that some harm to landscape character has been identified as set out previously.
- 7.60 Noting that the scheme is in Outline form, there are no concerns on the grounds of visual amenity and urban design. The parameters proposed provide a suitable framework for delivery of a high-quality scheme at reserved matters stage.

Heritage Impacts and Archaeology

- 7.61 The specific historic environment policies within the NPPF (2024) are contained within paragraphs 202-214. Paragraph 207 of the NPPF states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.62 In similar regard, Policy CS14 of the Core Strategy (2013) and Policy SADM29 of the Site Allocations and Development Management Policies Plan (2016) required development to conserve or enhance the historic environment. Proposals should be sensitively designed to a high quality and not cause harm to identified, protected sites, building or locations of heritage.
- 7.63 The application site is not located within or adjacent to a Conservation Area. There are a number of Grade II listed buildings within its vicinity that have the potential to be affected by the proposed development. These include:
- Tylers Farmhouse (list ID: 1346912)
 - Oundle (list ID: 1173913)
 - Caldecote (list ID: 1296023)
 - Prospect Cottage the Hermitage (list ID: 1103576)
 - Rosary Priory High School (list ID: 1346919)
 - Reveley Lodge and Associated Buildings (list ID: 1096108)
 - Coach House and Stables at Reveley Lodge (list ID: 1096110)
 - Boiler House, Wall and Glasshouse at Reveley Lodge (list ID: 1096109)
 - Lodge to Hilfield Castle (list ID: 1103570)
 - 35 and 37, Elstree Road (list ID: 1103592)
- 7.64 Place Services Heritage and Conservation were consulted. They have not raised any objection as owing to the physical separation between the application site and the above assets, the proposed development would not adversely affect their setting.
- 7.65 With regards to archaeology, the application site has already been assessed for archaeological significance as part of the previously refused application. A desk-based assessment was submitted and HCC Archaeology recommended that trial trenching take place. This was carried out and HCC Archaeology were satisfied that no further works or mitigation would be required. On this basis, the proposed development is not considered likely to result in the loss of any features of archaeological significance.

Impact on Residential Amenity and Living Conditions

- 7.66 The NPPF outlines the importance of planning in securing high standards of amenity for existing and future occupiers of land and buildings. Policy SADM30 of the Site Allocations and Development Management Policies Plan states that development must have limited impact on the amenity of occupiers of the site, its neighbours, and its surroundings in terms of outlook, privacy, light, nuisance and pollution.
- 7.67 This assessment would be made in full at reserved matters stage when the proposed site layout and detailed design would be known. However, a general assessment is made based on the submitted indicative masterplan and the parameters plans, looking first at neighbouring amenity and then the amenity of future occupiers of the development.
- 7.68 There are neighbouring dwellings in proximity to the development: opposite and to the south on Little Bushey Lane, to the south-west on The Squirrels, and further to the south at Wayside Avenue. The development parameters for building heights state that dwellings in these locations would be two storeys in height, with a small number of 2.5 storeys (likely to comprise two storey dwellings with accommodation in the roof space). Dwellings at Rossway Drive are unlikely to be affected due to the intervening fields between the site and this development, resulting in a separation distance in excess of 130m.
- 7.69 The distance from existing residential dwellings to the closest edge of the development parameters is shown below:



- 7.70 The separation distances to dwellings on the south-western side of Little Bushey Lane are enough to ensure that these dwellings would not suffer from any harmful loss of outlook, light, or privacy. The dwellings at the northern end of The Squirrels would be sited between 10m and 12m from the nearest edge of the developable area. Distances increase further south along The Squirrels, with a minimum of 19m shown. At Wayside Avenue, the closest dwellings would be sited between 14m and 19m from the developable area.
- 7.71 It should be noted that this does not necessarily mean that a dwelling could be sited immediately up to this boundary; the yellow area also indicates where residential gardens, shared amenity space, and driveways/ car parking areas would be located. For example, the below illustrative masterplan shows how the above parameters could be realised, with greater distances maintained when gardens and road infrastructure are accounted for:



- 7.72 Furthermore, the dwellings on the northern side of The Squirrels would have a side-facing relationship to the built form proposed and therefore are less likely to suffer from any loss of privacy. At reserved matters stage, Officers would expect to see the existing neighbouring development respected with appropriate back-to-back relationships where necessary.
- 7.73 On this basis, Officers are satisfied that the development parameters proposed are unlikely to result in harm to neighbouring amenity in terms of outlook, light, or privacy. This would be assessed in more detail at reserved

matters stage when the site layout is known, and where the siting of built form and habitable rooms could be controlled.

- 7.74 In terms of amenity for future occupiers, this is also a reserved matter as the design of the dwellings is not yet known. As a minimum, dwellings would be expected to comply with the Nationally Described Space Standards and provide for a suitable amount of privacy external amenity space. This development also proposes a good amount of public open space which will be of particular use to dwellings with communal amenity space, such as flats. Five distinct play spaces are also proposed around the development.
- 7.75 Given the proximity of the M1 motorway to the development, achieving a suitable noise environment is also relevant to the amenity of future occupiers. A Noise Impact Assessment was submitted and Environmental Health were consulted. They noted in their response that residential properties would be sited at least 100m from the M1 which will help limit the impact, but that significant acoustic mitigation is likely to be required to ensure that internal noise levels meet the British Standards. If opening windows raises the noise to an unacceptable level, dwellings will need to be installed with a mechanical ventilation system to minimise overheating in habitable rooms. Suitable conditions were recommended to secure the required information at or prior to reserved matters stage, in addition to securing a noise assessment for the proposed mobility/ community hub. These have been imposed.
- 7.76 Noting that additional information will be required at a later stage, Officers are satisfied that the development parameters submitted are capable of delivering a scheme with suitable living conditions for future occupiers.

Affordable Housing

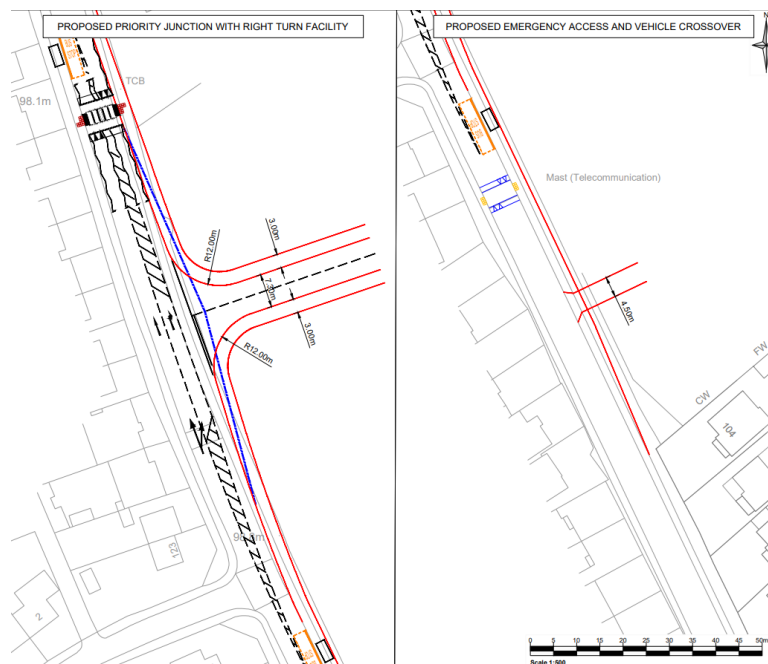
- 7.77 The provision of affordable housing is a policy requirement for major developments, regardless of whether or not they are located within the Green Belt. Whilst the Council's policies relating to the delivery of housing is out of date, they are consistent with this national requirement set out in the NPPF.
- 7.78 Paragraph 66 of the NPPF states that where major development involving the provision of housing is proposed, planning decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures. The delivery of First Homes is no longer a policy requirement, but they may be included within the overall affordable housing proposals.
- 7.79 The affordable housing requirement in this location would ordinarily be 35%. However, as the application site is located within the Green Belt, the development must include 50% affordable housing in order to comply with the

Golden Rules set out at paragraphs 156 and 157 of the NPPF. As such, the applicant proposes to deliver 50% affordable housing on this site which equates to up to 140 affordable homes.

- 7.80 The proposed tenure mix and dwelling sizes are currently under negotiation with the Council's Housing team, and will be specified within the s.106 agreement to ensure these are delivered in a timely manner to meet specified local need. Officers are satisfied that the development would provide the necessary affordable homes to comply with the Golden Rules.

Transport, Parking and Highways Safety

- 7.81 The NPPF, SADM40 of the Site Allocations and Development Management policies 2016, Policy CS25 of the Core Strategy 2013 and the draft Parking Standards 2022 seek to ensure that new development provides a suitable access, and car and cycle parking provision. Policy CS26 states that the Council will support a wide range of measures to provide safer and more reliable alternatives to the car for accessing new and existing development. This includes improved public transport facilities, additional public transport routes and stops, enhanced and new non-motorised links which increase walking, cycling, or riding opportunities. Measures to promote alternatives to the car will need to be provided as part of a proposed scheme.
- 7.82 Details of the site access are provided as part of the Outline application for approval. A single vehicular site access is proposed from Little Bushey Lane, with a narrower access point further south to serve pedestrians and cyclist only. This could also be used for emergency access if required. The detailed access plans including new road markings, pedestrian crossing and bus stops is shown below:



- 7.83 Both National Highways and HCC Highways were consulted on the scheme. Initially, National Highways raised a holding objection as the impacts on M1 Junction 5 had not been adequately assessed. Additional information was provided by the applicant and National Highways provided further comments in responses received on 7 February, 26 March, and 28 April 2025.
- 7.84 Concerns were raised regarding the potential increased flood risk to the M1 and possible erosion risk to the geotechnical features of the M1 embankment slopes. This was in addition to the highways impacts to the M1 noted above. The comment received 28 April was a holding objection pending discussions with the applicant which were ongoing at the time.
- 7.85 Final comments were received from National Highways on 4 July 2025 stating that the application could be approved subject to conditions. Suitable amended and additional information had been received from the applicant to satisfy National Highways that flood risk to the M1 can be adequately mitigated for. This is subject to appropriate maintenance of the drainage system, which is proposed to be secured by condition.
- 7.86 With regards to transport modelling and potential impact on M1 Junction 5, they confirmed that the development's additional trip numbers on the off slips and opposing circulatory sections are unlikely to result in operational severity or additional safety concerns for the off slips. As such, a formal modelling assessment would not be required for this application.
- 7.87 HCC Highways provided their response on 20 February 2025. This followed on from discussions with the applicant to resolve initial concerns. In their written response, no concerns were raised regarding the proposed vehicular access point to the site which had demonstrated suitable visibility splays and had been subject to a Stage 1 Road Safety Audit. The proposed zebra crossing to the north of the new access point was welcomed, noting that the detailed design would need to be secured via an s.278 agreement.
- 7.88 The new bus stops and diverted 306 service was also welcomed as an improvement to the site's sustainability. This was subject to securing the required funding to deliver this through the s.106 agreement. It was noted that no change is proposed at this time to the alignment of the Public Rights of Way running through the site. A new PRow pedestrian/ cycle access is required to the north of the primary access to the site, in close proximity to the new zebra crossing, to ensure these routes are used and to open up the site.
- 7.89 A condition was recommended for a Rights of Way Improvement Plan to ensure that the PRows through the site are upgraded to bridleways via an s.278 agreement. It was also noted that a diversion of PRow 40 would be encouraged where this currently runs through a waterlogged area of the site

as mapped. The route currently being taken by pedestrians on more suitable terrain could be included on the mapped route to regularise this. These improvements were also supported by the Rights of Way Improvements Officer, who also requested that a small footbridge may be required to replace the existing culvert structure over the Environment Agency watercourse (Bushey Heath Drain). Officers suggest that this is addressed within the Rights of Way Improvements Plan to be secured.

- 7.90 No objections were raised with the trip generation methodology used. It was noted that the assessment showed a detrimental impact on the Little Bushey Lane/ Aldenham Road/ Bushey Mill junction. In order to mitigate this, sustainable transport measures are proposed to encourage modal shift. This is deemed to be acceptable to HCC Highways, subject to securing these measures by conditions and/or planning obligations as set out in their response. The sustainable transport strategy provided by the applicant includes the new bus stops and diverted 306 service, new pedestrian crossings, PRow upgrades, and a mobility hub which will include e-bike hire and cycle maintenance facilities. It is also suggested that a portion of developer contributions secured are allocated to cycle routes emerging in the area as part of the Hertsmere Local Cycling and Walking Infrastructure Plan.
- 7.91 A Framework Travel Plan was submitted with the application and a Full Travel Plan would be submitted at reserved matters stage. The applicant also proposes to find school travel planning for Bushey Meads School, Little Reddings Primary School, and Bournehall Primary School.
- 7.92 In respect of car and cycle parking, this falls to be assessed at reserved matters stage when the site layout and dwelling makeup is known. It is noted that Active Travel England raised a holding objection on 22 January 2025 requesting further information and clarity on the trip generation and travel plan targets, an Active Travel Route Audit, off-site active travel infrastructure, and place making and site permeability. Officers consider that these aspects of the development have been addressed in discussions with HCC Highways who deem the development to be policy compliant, including with regards to active travel and infrastructure mitigation.
- 7.93 Subject to the requested conditions requested by National Highways and HCC Highways, and suitable wording to secure the requested planning obligations, Officers are satisfied that the scheme is acceptable on highways grounds. Per paragraph 116 of the NPPF, 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, following mitigation, would be severe, taking into account all reasonable future scenarios. In light of the comments received, there would be no unacceptable or severe impact.

Trees and Ecology

- 7.94 Policy SADM12 of the Site Allocations and Development Management Policies Plan sets out the Council's requirements for trees and landscaping. 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.
- 7.95 Additionally, 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. Paragraph 187 of the NPPF is clear that development should achieve net gains for biodiversity. The Biodiversity Net Gain SPD was adopted in January 2024 and requires major developments to achieve a biodiversity net-gain of 10%, in line with the mandatory requirements of the Environment Act 2021.
- 7.96 There are no TPO trees within the site and the site is not within a Conservation Area. As such, none of the trees within the site benefit from statutory protection. Arboricultural documents were provided with the application indicating required removals to enable the development proposed. To facilitate the site's vehicular and pedestrian access from Little Bushey Lane, it is proposed to remove one Ash tree (T72, Cat. C) and four sections of tree group G7. Irrespective of the proposed development, it is also proposed to remove an English Oak (T29, Cat. U) as this tree is deceased.
- 7.97 A scheme of landscaping was submitted to mitigate for the proposed tree removals. Significant tree planting is proposed across the development, including along the main access road lining the route to the central public open space. Details of this scheme would be secured at reserved matters stage.
- 7.98 A Tree Protection Plan was submitted with the arboricultural documents showing that retained trees can be adequately protected throughout the construction phase of development. Place Services Arboriculture were consulted on the above documents and have raised no objection subject to a condition for an Arboricultural Method Statement. This condition is also attached.
- 7.99 In terms of ecological impacts, an ecological appraisal was submitted with an assessment of on-site habitats and ecological features, faunal use of the site,

and proposed mitigation and enhancement. HCC Ecology were consulted on this document and provided a response on 1 April 2025.

- 7.100 In summary, no concerns were raised with respect to habitats and species surveys, the ecological enhancements proposed were acceptable, and the Biodiversity Net Gain (BNG) calculations were acceptable showing all habitat types as exceeding the 10% requirement. Conditions were recommended for a Construction Ecological Management Plan, Lighting Strategy, LEMP for species provision and enhancements, and HMMP as part of BNG 30 year maintenance.
- 7.101 Species surveys confirmed that whilst some bat activity was recorded on site, no trees on site were recorded with emerging bats. Bat activity is considered modest and the value of the site for bats is low. A total of 41 species of bird were recorded on site including 17 breeding. One skylark pair was observed. Mitigation for the reduction/ loss of habitats on site for these species will be required in the details of the conditioned Plans as above.
- 7.102 In terms of the Local Nature Recovery Strategy, the site does not form part of an Area of Particular Importance for Biodiversity. A pocket of the site to the north falls within an Area that Could Become of Particular Importance for Biodiversity (ACIB). There are no species with targeted actions within the site. The PPG states that the LNRS is an evidence base which contains information that may be a material consideration in decision making, especially where development plan documents for an area pre-date the LNRS as is the case here. It is for the decision maker to determine what is a relevant consideration based on the individual circumstances of the case. Given that the applicant's ecological studies have extensively considered the impact of the development on species and habitat, and HCC Ecology have not raised any objection to the development, the scheme is not considered to conflict with the aims of the Local Nature Recovery Strategy.
- 7.103 In the absence of any objection from the relevant consultees, the application is considered to be compliant with the relevant ecological policies subject to the necessary conditions as above.

Flood Risk and Drainage

- 7.104 Paragraphs 170-182 of the NPPF (2024) contains the relevant information under "Planning and Flood Risk", while Policy CS16 of the Core Strategy 2013, and Policies SADM13 and SADM14 of the Site Allocations and Development Management Policies Plan 2016 also set out the requirements and constraints for development within Flood Zones.

- 7.105 The red line location plan has been amended as part of the re-submission of the proposed development on this site. Whilst the previous application site included land to the east which contained areas of fluvial flooding (Flood Zones 2 and 3), the site now contains only surface water flood risk including areas of medium and high risk.
- 7.106 The application site has a complex planning history with regards to flood risk policy. This is set out below for clarity, followed by an update to the national policy changes with regards to flood risk which significantly alter how the scheme is now assessed when compared to the previously application on this site.
- 7.107 Flood Risk was a reason for refusal of the previously proposed scheme, due to outstanding objections from National Highways (with regards to flood risk to the M1) and the LLFA at the time the application was appealed on non-determination. In the course of the Public Inquiry, it was also established that a Flood Risk Sequential Test (FRST) would be required as it had not been carried out prior to submission of the planning application. The Inquiry was therefore paused to allow the appellant to complete and submit the FRST for consideration by the Inspector.
- 7.108 Ultimately, the LPA argued that the FRST had been failed as there were a number of sites within the borough, at a lower flood risk, that could accommodate the development proposed provided that the development was disaggregated. The Inspector agreed with the LPA on all but one of the alternative sites, and this formed a reason for dismissing the appeal. At that time, failure to pass the Flood Risk Sequential Test was a standalone reason for refusal in national policy.
- 7.109 The applicant sought a Judicial Review of the Inspector's decision at the High Court, together with Mead Realisations Limited³. The High Court judgement ultimately dismissed the appeal with regards to the Little Bushey Lane site, but provided some clarifications on how national flood risk policies should be applied. Paragraph 174 of the judgement states:

A similar analysis applies in the determination of planning applications. Where there is an unmet need, for example a substantial shortfall in demonstrating a 5-year supply of housing land, that shortfall and its implications (including the contribution which the appeal proposal would make to reducing that shortfall) are weighed in the overall planning balance against any factors pointing to refusal of permission (including any failure to satisfy the sequential test). If the total size of sequentially preferable locations is less than the unmet housing need, so that satisfying that need would require the release of land which is

³ R (Mead Realisations Ltd. & Redrow Homes Ltd.) v. Secretary of State for Levelling Up, Housing and Communities [2024] EWHC 279 (Admin)

not sequentially preferable, that too may be taken into account in the overall planning balance.

7.110 This essentially established that, in the case where a FRST had been failed, the decision maker may reduce the weight afforded to this in the planning balance where there is a substantial shortfall in the supply of housing land. As such, the failure of the FRST was not an automatic reason for refusing planning permission, but a matter for the planning balance.

7.111 Since the above judgement, both the PPG and the NPPF have been updated with regards to the FRST. The NPPF now states at paragraph 175:

The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).

7.112 In addition, paragraph 027 of the PPG chapter on flood risk and coastal change states:

In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.

The absence of a 5-year housing land supply is not a relevant consideration in applying the sequential test for individual applications. However, housing considerations, including housing land supply, may be relevant in the planning balance, alongside the outcome of the sequential test.

7.113 The applicant submitted a FRST prior to the above policy changes being made. Since then, the objections raised by National Highways and the LLFA relating to the development's flood risk have been resolved. Both consultees are satisfied that the occupiers of the development would remain safe from current and future surface water flood risk without increasing flood risk elsewhere. The Environment Agency have not raised any objection. Therefore, there is no requirement for the application of the FRST.

7.114 Turning to detailed comments from consultees. The Environment Agency confirmed in their first response dated 28 January 2025 that they have no

objection to the proposed development, subject to an informative requiring the applicant to seek a Flood Risk Activity Permit. This has been attached. The comments from National Highways in relation to flood risk around the M1 and strategic highway infrastructure have been addressed in the Highways assessment above.

- 7.115 Initial comments were received from the LLFA on 13 March 2025. An objection was raised on the grounds that a FRST was required to be submitted and passed, and the drainage scheme was considered unsuitable as it was likely to increase flooding elsewhere. The scheme at that time was not therefore compliant with national or local flood risk policy. Following receipt of the FRST from the applicant, the LLFA provided comments on 28 May 2025 suggesting that the FRST methodology was unsuitable and had deemed alternative sites to be unsuitable which may be at a lower risk of flooding. However, these comments are no longer applicable in light of the above changes to the NPPF and PPG, which were made after the LLFA's comments were received.
- 7.116 Detailed discussions were held between the applicant and the LLFA to ensure that the scheme's drainage scheme would be acceptable; to ensure that the development could be made safe for its lifetime and that the risk of flooding elsewhere would not be increased. To this end, a number of amended and additional documents were received. Final comments from the LLFA were received on 17 October 2025 which included a list of six detailed conditions. It was noted in their response that, whilst there were some issues with the layout of the proposed surface water drainage scheme, the LLFA were satisfied that this could be addressed with conditions in this instance.
- 7.117 The conditions suggested by the LLFA would require the applicant to submit, prior to commencing any development: full details of the final surface water drainage scheme once the site layout is known; interim and temporary drainage measures during the demolition and construction phases of development including maintenance; submission of a maintenance and management scheme for the surface water drainage scheme which must be implemented prior to occupation of the site; a detailed verification report to ensure that the development has been implemented in accordance with the surface water drainage scheme; detailed designs of any proposed watercourse alteration and detailed hydraulic modelling of the ordinary watercourse/ flow paths. Officers are satisfied that these conditions are appropriate to secure the required details which cannot be known at this stage of the development.
- 7.118 Both Affinity Water and Thames Water provided comments. Affinity Water confirmed that the site is located within a groundwater Source Protection Zone 1 associated with their pumping station, which is a public water supply. As

such, they requested three conditions to prevent any possible contamination of the public water supply. These conditions are therefore attached.

7.119 Thames Water did not raise any objections in their comments, though did note that the existing sewage treatment works infrastructure is unable to accommodate the needs of this development. Therefore, they have requested a condition that restricts the development from being occupied until confirmation is provided that either all sewage works upgrades required to accommodate the additional flows from the development have been completed, or a development and infrastructure phasing plan has been agreed with the LPA in consultation with Thames Water.

7.120 Officers have sought an independent review of the applicant's Flood Risk Assessment and Drainage Strategy. Tetra Tech were commissioned by Officers to review these technical documents and additional information submitted in the course of the application, together with all comments received from the LLFA. This included a review of the hydraulic modelling for robustness. They provided their formal response on 29 January 2026. The level of flood risk across the site has been accurately determined and the hydraulic modelling is agreed to be stable with trustworthy outputs:

3.23 Appropriate modelling assumptions have been clarified and commentary has been provided to discuss any impact on modelling results that these may have. This included a suitable representation of the development proposals as a raised platform with conservatively represented culverts in the local watercourses. Modelling results show sensible flow paths within the watercourses and around the site as a result of the development.

3.24 The model is shown to generally provide a conservative representation of surface water flooding to the site as a result of these assumptions and therefore is considered fit-for-use. The design event and climate change allowance are still correct for Flood Risk Assessment purposes and further testing on storm duration was included to ensure that the critical storm duration was being considered. Similarly, suitable checks and sensitivity testing were included in this model to show that it is robust.

7.121 No concerns were raised with regards to the drainage strategy in its amended form, noting that additional information and amendments were made in response to LLFA requirements. Tetra Tech have therefore concluded as follows:

5.1 Having reviewed all relevant information in detail, it is considered that the Flood Risk Assessment, Flood Modelling and drainage strategy provided is robust and in line with national and local policies.

5.2 As part of any future planning applications associated with the site the following is recommended:

- Updating the Flood Risk Assessment or providing an addendum to reflect latest guidance;*
- It may be prudent to undertake a comparison between the data used within the model and the most recently available LiDAR to confirm the suitability of the topography used within the model.*

7.122 As such, Officers are confident that the scheme is wholly acceptable on flood risk and drainage grounds. Extensive consultation with the LLFA has resulted in no further objections raised, subject to conditions. The independent scrutiny sought as above has confirmed that the LLFA's judgements are sound. Subject to the necessary conditions, the development is considered to be policy compliant with regards to flood risk and drainage. The updates that Tetra Tech have recommended would be reflected in any reserved matters application submission. There are no concerns on these grounds.

Air Quality and Contaminated Land

7.123 Policies CS16 and SADM20 seek to ensure that the environmental impacts of development are minimised. This includes ensuring that contamination of land, air and water are identified and remediated where necessary. Section 15 of the NPPF supports these policies in preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution, and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

7.124 A Phase 1 Geo-Environmental Desk Study was submitted with the application. Environmental Health were consulted and provided comments on this document. They noted that the report identified a low to moderate risk for contaminant linkages. The site also has an historic agricultural use which increases the risk for other potential ground contaminants. The presence of pylons within the site increases risk for zinc contaminants from structural coatings. Conditions requiring submission of a site investigation and risk assessment, remediation strategy, and verification report were recommended to further assess and identify any required mitigation for on-site contamination. Conditions were also suggested to cover previously

unidentified contamination, and the importation of soils. All conditions are attached.

- 7.125 Environmental Health recommended that the Environment Agency also be consulted due to the site being located within a Source Protection Zone. This has already been addressed above, and no objections were received from the Environment Agency.
- 7.126 With regards to air quality, Environmental Health suggested conditions to restrict the use of gas boilers, require installation of EV charging points, and submission of a Dust Management Plan to limit demolition and construction impacts. Noting that the Building Regulations now prohibits the installation of gas boilers to new dwellings, this condition is not deemed to be necessary. A condition is attached to ensure that all dwellings benefit from at least one EV charging point, and the dust management condition is also attached.
- 7.127 HCC Minerals and Waste were consulted and have requested a condition for a Site Waste Management Plan. This condition is attached.
- 7.128 Officers are satisfied that the development is acceptable on the grounds of land and air pollution subject to the conditions detailed above.

Climate Change & Sustainability

- 7.129 Following the 2019 Climate Emergency declaration by the Council, all new developments are encouraged to incorporate energy from decentralisation and renewable or low carbon sources. Furthermore, in accordance with Section 14 of the NPPF and Policy CS17 of the Core Strategy (2013), development proposals should support the transition to a low carbon future in a changing climate and achieve CO2 emission reductions. Development should have regard to the Council's Interim Position Statement on Sustainability and Climate Change.
- 7.130 Policy CS16 further requires proposals to incorporate sustainable development measures including, amongst others, efficient use of resources, sustainable drainage, remediation, use of energy efficiency design and use of renewable energy sources.
- 7.131 A Climate Change and Energy Statement was submitted with the application. Whilst the design of dwellings is not known at this stage, the report sets out that a fabric first approach will be taken to ensure that dwellings are aligned with the Future Homes and Building Standard. No natural gas supply is proposed and dwellings will be heated with Air Source Heat Pumps. Solar PV panels will be sought on suitable properties for renewable energy capture. Efficient appliances will be installed to limit energy and water usage. Any

residual carbon emissions will be offset through the Council's carbon offsetting scheme, secured as part of the s.106 agreement.

- 7.132 Given that the details cannot be known at Outline stage, there are no significant concerns raised.

Planning Balance

- 7.133 Per paragraph 11 of the NPPF, given that the Council cannot demonstrate a five year housing land supply the presumption in favour of sustainable development applies unless the application of policies within the NPPF that protect areas or assets of particular importance (which includes land designated as Green Belt, areas at risk of flooding and designated heritage assets) provides a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- 7.134 The Green Belt assessment has established that the application site meets the definition of grey belt. The application is considered to be fully compliant with NPPF paragraph 155; development of the site would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan (i.e. Hertsmere borough); there is a demonstrable unmet need for the type of development proposed (housing, including affordable housing); the development is considered to be in a sustainable location particularly when mitigation is considered; and the development meets the Golden Rules. The development is therefore not inappropriate in the Green Belt.

- 7.135 The heritage and flood risk assessments set out above demonstrate that there are no footnote 7 policies that would present a strong reason for refusing or restricting the development. Therefore, the planning balance falls to paragraph 11 (d) (ii) of the NPPF. Planning permission should be granted unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 7.136 This report has identified that the scheme would give rise to harm to landscape character, which is afforded **moderate weight**. No other harms have been identified which cannot be mitigated for by the imposition of planning conditions and/or obligations.

- 7.137 The harms and benefits of the scheme are summarised in the table below, and the benefits discussed in more detail thereafter:

Benefit	Officer weight
Delivery of market housing	Substantial
Delivery of affordable housing	Substantial
Meeting the Golden Rules	Significant
Provision of public open space	Significant
Provision of a mobility/ community hub	Moderate
Economic benefits	Moderate

Harm	Officer weight
Landscape impact	Moderate

Delivery of market housing

7.138 Recent appeals have demonstrated that the Council's housing land supply is significantly below the five year requirement. The recent appeals at Hartfield Avenue and Barnet Lane⁴ found the Council's housing land supply to be just 1.36 years. Since these appeal decisions, the NPPF has been updated which also updated the standard method for calculating housing need. The current standard method identifies a minimum local housing need for 1,010 homes per annum in Hertsmere. A housing land supply figure of 0.98 years was not disputed by the Council at the recent 'Longview' planning inquiry⁵ showing that housing land supply has reduced further in recent months. This amounts to a shortfall of 4,868 homes across the five year period.

7.139 The 2023 Housing Delivery Test results which were published in December 2024 show that Hertsmere only delivered 46% of its housing need over the preceding three years, which was based on the lower housing need requirement. As such, it is evident that, in the absence of an up-to-date Local Plan, meeting the Council's housing needs and demonstrating a 5-year supply of deliverable housing sites will become even more challenging following the update to the NPPF.

⁴ Appeal decisions APP/N1920/W/23/3329947 and APP/N1920/W/24/3346928

⁵ APP/N1920/W/25/3365681 – 49 Longview and Land to the rear of London Road, Shenley

- 7.140 The application proposes up to 280 dwellings, of which 50% (up to 140) would be market units. This development would make a notable contribution to the Council's annual housing requirement, and address the significant unmet need for housing in the borough in a sustainable location. Officers consider that this warrants substantial weight.

Delivery of affordable housing

- 7.141 Between 2012/13 and 2023/24, 624 affordable dwellings were delivered in the borough, equating to 52 per annum. When accounting for affordable units that are lost through Right to Buy and demolition, this reduces to 49 per annum – equivalent to 13% of the overall net housing completions during this period. The Core Strategy requirement of 76 affordable dwellings per year is out of date, however even against this lower requirement, since the adoption of the Core Strategy there has been a significant shortfall of affordable units delivered in the borough. Marked against the uplifted housing requirements, a significant increase in affordable housing delivery is required in the borough.
- 7.142 There are significant social and economic consequences of under-delivery of affordable homes, including increased homelessness, expanding housing registers and increasing house prices and rents, which further exacerbate these issues.
- 7.143 The application proposes 50% affordable homes, which equates to 140 units. This is significantly more than the policy requirement in this location, at 35%, and would make a substantial contribution to the borough's supply of affordable homes. As such Officers consider that this warrants substantial weight.

Meeting the Golden Rules

- 7.144 As set out in this report, the proposed development meets the 'Golden Rules' as set out in paragraph 156 of the NPPF. Paragraph 158 of the NPPF advises that "a development which complies with the Golden Rules should be given significant weight in favour of the grant of permission". Accordingly, significant weight should be assigned to this.

Provision of public open space

- 7.145 The proposed development provides a significant amount of public open space on site, which incorporates the existing Public Rights of Way and upgrades these for use by a broader range of users. The open space would be useable by the wider community and would also provide formal play spaces for children. Whilst some on-site provision of public open space is required by policy, Officers consider that the proposed space is generous in scale and has the potential to be well-landscaped, making a positive

contribution to the locality and encouraging access to the countryside. As such, this is afforded substantial weight.

Provision of a mobility/ community hub

- 7.146 The proposed mobility hub would provide a community-focussed space for the area. Given that it is required in part to mitigate the development's impacts on the highway network and improve active travel/ modal shift, this is afforded moderate weight as a net benefit of the scheme.

Economic benefits

- 7.147 The applicant suggests that the development would bring economic benefits. Construction benefits are to be expected of any development scheme, although it is noted that a development of this scale is likely to result in significant GVA. The scheme would also see benefits arising from increased spend within the local economy as the development is occupied, likely to arise primarily in Bushey but also further afield. Increased housebuilding within an area of established demand also drives economic growth more broadly. For this reason, moderate weight is afforded.

Conclusions

- 7.148 As demonstrated above, the benefits of the proposed scheme are considered to be numerous and substantial. The adverse impacts are limited to landscape character. Per paragraph 11 (d) (ii), planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits. It is evident that the adverse impacts of landscape harm would not significantly and demonstrably outweigh the benefits detailed above.
- 7.149 Officers have clearly set out in this report why the site is considered to be grey belt and why the development is not inappropriate development in the Green Belt. Accordingly, no harm would arise to the Green Belt as a result. However, if the committee do consider the proposal to be inappropriate development in the Green Belt, then the harm arising would need to be considered in the above planning balance and consideration given to whether there are very special circumstances that justify the granting of planning permission, as per paragraph 153 of the NPPF.

- 7.150 Paragraph 153 of the NPPF advises that:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt.

7.151 If the proposal were considered to be inappropriate development, it would carry substantial weight against it as a result of the definitional harm that would occur. Added to this, there would be a significant impact on the openness of the Green Belt by virtue of the urbanising effects of the development on what is currently open and undeveloped grazing land. As set out in the Green Belt section of the report, there would also be a moderate impact to purposes a, b and c, as listed in paragraph 143 of the NPPF. Per paragraph 153, these harms would be afforded substantial weight in the planning balance.

7.152 Nevertheless, even in the harm was considered alongside the other harm identified in the planning balance, officers are content that the benefits taken together would clearly outweigh the harm to the Green Belt and the other harms occurring, such that there are very special circumstances that would justify the grant of planning permission in this case.

Planning Obligations

7.153 The grant of Outline planning permission would be subject to securing a suitably worded s.106 agreement. The below Heads of Terms are to be agreed with the applicant and drafting of the s.106 will commence in the event that the Committee resolves to grant Outline permission:

1. 50% affordable homes to meet the specified tenure mix and dwelling sizes agreed with the Council's housing team;
2. Provision of on-site public open space including ongoing maintenance through a management company;
3. Secondary Education Contribution of £3,046,051 towards the delivery of a new secondary school serving the development either at a site to be identified as outlined in the emerging Hertsmere Local Plan to serve Bushey and/or Carpender's Park, and/or provision serving the development;
4. Special Educational Needs and Disabilities (SEND) Contribution of £465,522 towards Delivery of 113 additional Severe Learning Difficulty (SLD) special school places (WEST) for pupils aged 2 to 19 years old, through the relocation and expansion of Breakspeare School and/or provision serving the development;
5. Waste Service Transfer Station Contribution of £32,134 towards increasing capacity at Waterdale Transfer Station or provision serving the development;

6. On-site Biodiversity Net Gain of 12.29% habitat units, 13.29% of hedgerow units, and 10.17% of watercourse units;
 7. Residual Travel Plan;
 8. Bus Service;
 9. Personalised Travel Planning contribution of £40,000 for all dwellings in the Bushey Park Ward;
 10. School Travel Planning contribution of £22,500 for an updated School Travel Plan for Bushey Meads School, a Travel Plan for Little Reddings Primary School, and a Travel Plan for Bournehall Primary School;
 11. Contribution towards the emerging Hertsmere LCWIP (amount TBC);
 12. Off-site diversion of PRow 40;
 13. Contribution to the NHS Integrated Care Board of £468,048 towards expansion of the Little Bushey Surgery.
- 7.154 Comments were received from the NHS East of England Ambulance Service requesting a financial contribution of £95,200 towards supporting the relocation and build of Watford Ambulance Hub including EV charging infrastructure, and an additional ambulance. However, the Council has previously agreed with the Ambulance Service that their requested contributions are covered by the Community Infrastructure Levy and therefore should not be sought by s.106 planning obligation. As such this request is not included in the Heads of Terms above.
- 7.155 Comments were also received from Sport England requesting provision of sports pitches on site, or a financial contribution towards off-site provision. Sport England are a statutory consultee for developments proposed on playing fields, which is not the case here. It is noted that policy SADM37 states that as a minimum, development should not exacerbate existing deficits of open space and sports and leisure facilities in the locality and the Borough.
- 7.156 The application does not propose any on-site playing pitch provision. This is not considered to raise any concerns, given the size of the site and its proximity to the King George Recreation Ground to the west. Contributions towards off-site sports facilities would be covered by the Community Infrastructure Levy and therefore it would not be appropriate to seek financial contributions through s.106 agreement.

Community Infrastructure Levy

7.157 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 development is CIL liable.

Equalities and Diversity

7.158 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.

8.0 CONCLUSION

8.1 The proposed development is situated on grey belt land and does not constitute inappropriate development in the Green Belt. Whilst harm is identified to the landscape, the benefits arising from the development would be substantial such that they clearly and demonstrably outweigh the harms. Consequently, the proposal would therefore comply with the requirements of the NPPF 2024, the Core Strategy 2013, Site Allocations and Development Management Policies Plan 2016, and the relevant supplementary planning documents.

9.0 RECOMMENDATION

Delegate to the Head of Planning, Economic Development and Climate Change to approve subject to a suitably worded s106 Planning Agreement and conditions.

In the event of a suitably worded s106 agreement not being agreed within six months, or a longer time frame agreed in writing where realistic progress has been made, delegate to the Head of Planning, Economic Development and Climate Change to refuse planning permission.

CONDITIONS/REASONS

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

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as Amended).

2. Application for approval of the following reserved matters shall be made to the local planning authority before the expiry of three years from the date of this permission: -

Appearance;
Landscaping;
Layout; and
Scale

The first application for reserved matters shall include details of the phasing of the development.

3. The development hereby permitted shall be carried out in broad accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.
 - Site Location Plan – edp8864_d001d (dated 22 November 2024)
 - Land Use Parameter Plan - edp8864_d004d (dated 26 November 2024)
 - Access and Movement Parameter Plan - edp8864_d007c (Dated 26 November 2025)
 - Density Plan - edp8864_d008a (dated 29 October 2024)
 - Height and Scale Plan - edp8864_d009a (dated 29 October 2024)
 - Parameter Plan – Street Hierarchy - edp8864_d012b (dated 26 November 2024)
 - Urban Design Principles and Legibility Plan - edp8864_d013c (dated 26 November 2024)
 - General Arrangement Proposed Access and Emergency Access – SK04 Rev. A (dated 22 November 2024)

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

4. During construction of the development hereby permitted, the trees located within the site, other than those identified for removal, shall not be lopped or felled without the written consent of the Local Planning Authority.

During construction of the development hereby permitted, any trees within or near to the site shall be protected in accordance with the requirements of BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction'. The protection measures shall be implemented prior to any below ground works and shall be retained for the entire construction period for the relevant part of the development.

Reason: In order to maintain the existing vegetation at the site, which makes an important contribution to the character of the area, and to accord with

Policies SP1 and CS12 of the Hertsmere Core Strategy 2013 and Policy SADM12 of the Site Allocations and Development Management Policies Plan 2016.

5. Prior to, or concurrently with the submission of the first of the reserved matters applications, a Site Wide Design Code shall be submitted to and approved in writing by the Local Planning Authority.

The Site Wide Design Code shall be prepared in accordance with the principles and parameters established by this outline planning permission and shall include both strategic and detailed elements. The Site Wide Design Code shall explain its purpose, structure and status and set out the mandatory and discretionary elements where the Site Wide Design Code will apply, who should use the Site Wide Design Code, and how to use the Site Wide Design Code. No works, excluding site clearance and earthworks, shall take place prior to the approval of the Site Wide Design Code. The Site Wide Design Code shall include:

- a. The overall vision for the development;
- b. The character, mix of uses and heights established through the approved parameter plans and include the block principles and the structure of public spaces, making reference to the proposed phasing plan;
- c. The street hierarchy, including the principles and extent of adopted highways and traffic calming measures;
- d. Typical street cross-sections which will include details of tree planting, tree species, underground utility/service trenches, and on street parking;
- e. How the design of the streets and spaces takes into account mobility and visually impaired users;
- f. Block principles to establish use, density and building typologies. In addition, design principles including primary frontages, pedestrian access points, fronts and backs, and threshold definition shall be provided;
- g. Key groupings and other key buildings including information about height, scale, form, level of enclosure, building materials, and design features;
- h. Approach to incorporation of ancillary infrastructure/buildings such as substations, pumping stations, pipes, flues, vents, meter boxes, external letterboxes, electric vehicle charging infrastructure, fibres, wires and cables required by statutory undertakers as part of building design;
- i. Design principles for the approach to monitoring vehicular parking (residents and visitors) for different building types including setting out principles to govern the location and layout of parking for people with disabilities and for each building type including parking spaces with electric vehicle charge point provision;
- j. Clear design principles for the approach to cycle parking for all uses and for different building types, (residential, community and commercial) including resident parking and visitor parking, type of rack,

- spacing and any secure or non-secure structures associated with the storage of cycles including non-standard bicycle and trailer storage;
- k. The approach to the character and treatment of the structural planting (including site wide tree strategy statements guiding the diversity of planting and planting resilience to climate change, and the approach to SuDS design integration);
- l. The approach to the treatment of any hedge or footpath corridors and retained trees and woodlands;
- m. The conceptual design and approach to the public realm (making reference to materials, signage, utilities and any other street furniture);
- n. The conceptual design and approach to the artificial lighting strategy and how this will be applied to different areas of the development with different lighting needs, so as to maximise energy efficiency, minimise light pollution and avoid street clutter;
- o. Details of waste and recycling provision for all building types and any external recycling points;
- p. Consideration of Secured By Design principles, with details of measures to minimise opportunities for crime;
- q. Details of good urban design principles and design of urban infrastructure to reduce air pollution - including street dimensions, use of Green Infrastructure such as trees and parks;
- r. Details of the design review procedure and of circumstances where a review shall be implemented;
- s. Consideration of Active Design principles.

Reason: To ensure that the scheme will result in a high quality design that safeguards and enhances the character and appearance of the area. To comply with Policies SP1 and CS22 of the Hertsmere Core Strategy 2013 and Policy SADM30 of the Site Allocations and Development Management Policies Plan 2016.

6. Applications for all reserved matters shall include a Design Code Compliance Statement that demonstrates how the reserved matters application accords with the approved Site Wide Design Code. In the event that the Site Wide Design Code (Condition 10) is submitted at the same time as the first Reserved Matters application, the Statement shall confirm that the two submissions are consistent with each other.

Reason: To ensure that the scheme will result in a high-quality design that safeguards and enhances the character and appearance of the area. To comply with Policies SP1 and CS22 of the Hertsmere Core Strategy 2013 and Policy SADM30 of the Site Allocations and Development Management Policies Plan 2016.

7. Prior to first occupation of the relevant part of the development, a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes within any development phase shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details. The relevant phase of

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.

8. The section of Public Right of Way 040 on the undeveloped land within the application site shall be finished in a loose bound granite stone surface. The existing culvert structure over the Environment Agency watercourse shall be replaced with a suitable footbridge, to be agreed in consultation with the HCC Rights of Way Officer.

Reason: To comply with legal requirements of the Highway Authority regarding the Public Rights of Way Network in line with Policies CS15 and CS26, and to deliver active travel opportunities complying with Local Transport Plan 4, and Rights of Way Improvement Plan (RoWIP) Principles.

9. No development shall be occupied until confirmation has been provided that either:
 - a) all sewage works upgrades required to accommodate the additional flows from the development have been completed; or
 - b) development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Reason – Sewage Treatment Upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

Reason: To ensure that the development can be suitably serviced and to reduce the risk of pollution.

10. No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

11. Prior to any above ground development, 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.

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.

Reason: To protect the occupants of the new development from noise disturbance.

12. A noise impact assessment shall be submitted which assesses noise from the business 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 L_{Aeqs}, L_{A90s} and L_{Amax} (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. The scheme shall be developed in accordance with the approved scheme of sound insulation.

Reason: To protect the occupants of nearby residential properties from noise disturbance.

13. Noise from plant and equipment associated with the development shall be 10dB (L_{Aeq}) below the background noise level (L_{A90}) at the nearest

residential properties (5dB below the background noise level if evidence is provided which shows that no tonality or other character is present).

Reason: To protect the amenity of residents in the locality.

14. Any Air Source Heat Pump(s) or other Plant/Machinery such as Air Conditioning Units and or Combined Heat and Power (CHP) shall be affixed upon anti-vibration mounts.

Reason: To ensure that future residents are protected from vibration, arising from activities within the proposed development.

15. Prior to installation of external lighting to buildings, paths, and public open spaces, the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to the external lighting scheme (including vertical lux diagrams which show potential light trespass into windows of nearby residential properties). This scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting. The scheme shall be developed in accordance with the approved details.

Reason: To protect the amenity of existing residential properties in the near vicinity to the development.

16. 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.

17. 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 the condition above, 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.

18. No development shall take place before the remediation scheme approved under the condition 17, if required, is carried out in accordance with its terms. 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.

19. In the event contamination is found at any time when carrying out the approved development, which was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with 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.

20. 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.

21. Unless otherwise agreed in writing with the Local Planning Authority, no new boiler(s) shall be installed within the development hereby approved, other than one(s) which incorporate abatement technology to reduce emissions to below 40 mg NO_x/kWh. All systems shall be maintained in accordance with the manufacturers instructions.

Reason: To safeguard the amenities of the local area and to ensure that the development sustains compliance with national objectives for air pollutants.

22. Prior to the commencement of the development, the Applicant shall submit a Risk Assessment and Dust Management Plan carried out in conjunction with the Institute of Air Quality Managements Guidance on the Assessment of Dust from Demolition and Construction, Version 2.2 1.

Reason: To safeguard the amenities of the occupiers of neighbouring properties.

23. 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 x 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.

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.

24. Prior to the commencement of the development, no works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.

A Remediation Strategy/Report if found to be needed following the results of the intrusive investigation detailing how contamination (if found) will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.

A Foundations Works Method Statement and Risk Assessment detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. appropriate piling design, off site monitoring boreholes etc.) to prevent or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

Reason: To avoid displacing any shallow contamination to a greater depth and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction.

25. If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

A Remediation Strategy/Report detailing how contamination will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

26. Prior to the commencement of development, no works shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

A Surface Water Drainage Scheme demonstrating appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants ensuring protection of surface and groundwater.

Reason: Surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential to become contaminated and can enter the aquifer through open pathways, either created for drainage or moved towards existing open pathways where existing drainage has reached capacity. All have the potential to impact public water supply.

27. Prior to any occupation of the development a full drainage maintenance strategy will be submitted and approved in writing by Hertsmere Borough Council in consultation with National Highways.

Reason: to ensure that the drainage system remains operational over its lifetime and that there is no drainage risk to the safe operation of the M1 motorway.

28. Prior to the commencement of development (excluding Preliminary Works) within the relevant Phase, Sub Phase or Development Plot, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.
The CEMP (Biodiversity) shall include details of the following:
Risk assessment of potentially damaging construction activities.
Identification of “biodiversity protection zones”.
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).
The location and timing of sensitive works to avoid harm to biodiversity features.
The times during construction when specialist ecologists need to be present on site to oversee works.
Responsible persons and lines of communication.
The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
Use of protective fences, exclusion barriers and warning signs.
The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, 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 Policy SADM12 of the Site Allocations and Development Management Policies Plan 2016 and Policies CS12 and CS20 of the Hertsmere Core Strategy 2013.

29. Prior to commencement of the relevant phase of 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.

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.

30. Development shall not commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall satisfy the trading rules of the approved biodiversity metric and ensure the delivery of the minimum number of habitat, hedgerow and river units to achieve a net gain in biodiversity and include the following:

- Description and evaluation of features to be managed, with each habitat parcel linked to the appropriate line in the metric;
- Aims and objectives of management, i.e. the habitat and condition score as defined in the metric that must be achieved;
- Appropriate management options for achieving the target habitats and their condition, as described in the approved metric;
- Prescriptions for management actions, only definitive measures are acceptable;
- Preparation of a work schedule (including a 30 year annual work plan capable of being rolled forward in perpetuity), clearly marked on plans;
- Details of the body or organisation responsible for implementation of the plan;
- Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met;
- Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans; and
- A scaled plan detailing the location of proposed ecological enhancements (to include Bat Boxes, Bird Boxes, Hedgehog Nest Domes, Hibernacula and Refugia, Bird Boxes, Habitat Piles, and Bee Bricks).

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management body(ies) responsible for its delivery.

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and

implemented so that the development delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To ensure that suitable ecological enhancements are delivered on site as part of the scheme's biodiversity provisions and to ensure suitable provisions for protected species within the development. To comply with Policy CS12 of the Hertsmere Core Strategy 2013.

31. Prior to commencement of development, a sensitive lighting scheme, compliant with the Bat Conservation Trust and Institution of Lighting Professionals (2023), shall be submitted to and approved in writing by the Local Planning Authority in consultation with HCC Highways. The lighting scheme will show how the development 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 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.

32. No development shall commence until full details (in the form of scaled plans and / or written specifications), have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:
- i. Roads, footways;
 - ii. Visibility splays; and
 - iii. Access arrangements.

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

33. Prior to the first occupation of the development hereby permitted, the vehicular accesses shall be provided and thereafter retained at the position shown on the approved plans on drawing number SK04 Rev A. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

34. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to show the off-site highway works on Little Bushey Lane, as illustrated on drawing number SK04 Rev A.

Prior to first occupation, these works shall be constructed to the satisfaction of the Local Planning Authority, in consultation with the Highway Authority.

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

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

- i. Details of new bus stop facilities on Little Bushey Lane, to include raised height kerbs, shelters and real-time information signs; and
- ii. A programme for the delivery of the public transport infrastructure.

Prior to first occupation, the approved infrastructure shall be implemented to the satisfaction of the Local Planning Authority, in consultation with the Highway Authority.

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

36. No development shall commence until a Construction Traffic Management Plan (in accordance with the best practice guidelines as described in the Construction Logistics and Community Safety (CLOCS) Standard), has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- i. The construction programme and phasing;
- ii. Hours of operation;
- iii. Details of any highway works necessary to enable construction to take place;
- iv. Details of any works to or affecting Public Rights of Way within and in the vicinity of the site These details shall demonstrate how safe and unobstructed access will be maintained at all times;
- v. Details of servicing and delivery, including details of site access, compound, hoarding, construction related parking, loading, unloading, turning areas and materials storage areas;
- vi. Where works cannot be wholly contained within the site, a plan should be submitted showing the site layout on the highway, including extent of hoarding, pedestrian routes and remaining road width for vehicle movements and proposed traffic management;

- vii. Management of construction traffic and deliveries to reduce congestion and avoid school pick up/drop off times, including numbers, type and routing;
- viii. Control of dust and dirt on the public highway, including details of wheel washing facilities and cleaning of site entrance adjacent to the public highway;
- ix. Details of public contact arrangements and complaint management;
- x. Construction waste management proposals;
- xi. Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
- xii. Post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
- xiii. Measures to be implemented to ensure wayfinding for both occupiers of the site and for those travelling through it.

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

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

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

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

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

39. Prior to the first occupation of the development hereby permitted the on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

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

40. Prior to the occupation of any dwellings within any Parcel of the development, full details shall be submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within that Parcel.

Following the provision of such streets, the streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established in accordance with the approved details.

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

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

- i. Roads;
- ii. Footways
- iii. Cycleways (compliant with LTN 1/20);
- iv. External public lighting;
- v. Minor artefacts, structures and functional services;
- vi. Foul and surface water drainage;
- vii. Visibility splays;
- viii. Access arrangements including temporary construction access
- ix. Hard surfacing materials;
- x. Parking areas for vehicles and cycles;
- xi. Loading areas; and
- xii. Turning and circulation areas.

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

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

42. Prior to or in conjunction with the submission of each reserved matters application, in accordance with the submitted Flood Risk Assessment (Rev P1, Rappor Consultants Ltd) updated technical note (Hydraulic Modelling and Drainage Technical Note, Rev P4, Rappor Consultants Ltd) and drainage layout (Preliminary Drainage Layout, Rev P10, 240437-RAPP-V1-XX-DR-D-3100, Rappor Consultants Ltd), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be

implemented prior to the first occupation of the development. The scheme shall address the following matters:

- I. Surface water runoff rates will be attenuated to QBAR as stated within section 6 Hydraulic Modelling and Drainage Technical Note.
- II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).
- III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
 - 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.
 - 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.
- IV. The design of any attenuation basin will incorporate an emergency spillway, and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.
- V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
- VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 181,182 and 187 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

43. Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction

phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

Reason: To prevent flooding and pollution offsite in accordance with the NPPF.

44. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
- I. a timetable for its implementation.
 - II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
 - III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Hertsmere Borough Council.

45. Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of “as built” drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Hertsmere Borough Council.

46. Prior to or in conjunction with any reserved matters submission, a detailed design shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority for any proposed watercourse alteration that demonstrates the design is in strict accordance with the Land Drainage Act 1991 (culverting shall only be acceptable for access purposes). Details submitted for any proposed watercourse alteration must demonstrate there is adequate space for each watercourse to be naturalised and enhanced, that flood risk is suitably managed for all storms up to and include the 1% Annual Exceedance Probability (AEP) (1 in 100 year) plus climate change, that exceedance events of the channels do not impact the proposed development and that they are easily maintainable and accessible. The details shall include long sections and cross sections of the proposed watercourses including details of any proposed crossings. The development shall be constructed in accordance with the approved plans.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Hertsmere Borough Council.

47. Prior to the first occupation of the development, a detailed maintenance and management plan for all watercourses on site shall be submitted to and approved in writing by the Local Planning Authority and adhered to for the lifetime of the development.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Hertsmere Borough Council.

48. Prior to, or in conjunction with any Reserved Matters application, detailed hydraulic modelling of the ordinary watercourses/flow paths shall be carried out and submitted to and approved in writing by the Local Planning Authority. The modelling shall demonstrate that the development will not result in an increase in flood risk elsewhere, incorporating all watercourses, upstream exceedance flow routes and flows through the site. The modelling should include proposed ground levels and site layout and demonstrate that the development will not increase flood risk for all events up to and including the 1% AEP (1 in 100 year) plus climate change event.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Hertsmere Borough Council.

GENERAL REASON(S) FOR GRANTING PERMISSION

1. The proposed development is situated on grey belt land and does not

constitute inappropriate development in the Green Belt. Whilst harm is identified to the landscape, the benefits arising from the development would be substantial such that they clearly and demonstrably outweigh the harms. Consequently, the proposal would therefore comply with the requirements of the NPPF 2024, the Core Strategy 2013, Site Allocations and Development Management Policies Plan 2016, and the relevant supplementary planning documents.

10.0 BACKGROUND PAPERS

1. The Planning application (24/1522/OUT) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
2. Replies from Statutory consultees and correspondence from third parties.
3. Any other individual document specifically referred to in the agenda report.
4. Published policies / guidance

11.0 INFORMATIVES

1. The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

2. Noise Control;

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:

- 8:00 am and 6:00 pm Mondays to Fridays
- 8:00 am and 1:00 pm Saturdays
- and at no time on Sundays and Public Holidays

Exceptions to the above times will be allowed in emergencies.

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

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

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.

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.

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.

All pile driving shall be carried out by a recognised noise reducing system. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material

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

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.

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

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.

Permissible noise levels are not specified at this stage.

3. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert **including any buried elements** (16 metres if tidal)
 - on or within 16 metres of a sea defence

- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

4. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
5. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
6. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

7. S106 Agreement. A Section 106 agreement will be required for the following:
 - i. Approved Travel Plan, with individual monitoring fees (and contributions for remedial actions should targets be missed), in accordance with the current HCC Travel plan guidance document for business, residential and education development (March 2020). Individual Travel Plans will be required for each land-use which is of sufficient size to require the preparation of such a plan;
 - ii. Bus Contribution;
 - iii. Personalised Travel Planning for the c. 2,000 homes in the Bushey Park Ward;
 - iv. In depth School Travel Planning for Bushey Meads School, Little Reddins Primary School and Bournehall Primary School;
 - v. Contribution towards Hertsmere LCWIP development and emerging cycle routes; and
 - vi. Contribution towards off-site RoW Improvement to RoW 40 to facilitate enhanced connection and bridleway upgrade; and
 - vii. Residential Travel Plan.
8. Section 278 Agreement
 - i. Access works on Little Bushey Lane;
 - ii. Bus stop infrastructure (new bus stops on Little Bushey Lane);
 - iii. Off-site highways works, including pedestrian crossings, widening of Little Bushey Lane carriageway and widening of Little Bushey Lane footway; and
 - iv. PRow upgrades (footpaths 33 and 40) and access onto Little Bushey Lane within the site curtilage
9. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 38 and 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

10. The Public Rights of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. In addition, the following should be noted:
- i. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works; safe passage past the site should be maintained at all times;
 - ii. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete), should be made good by the applicant to the satisfaction of this Authority; and
 - iii. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.
11. This development will involve the numbering of properties and/or the naming of new streets. The applicant MUST apply to the Borough Council's Street Naming and Numbering Section before any number or name is used. This is a requirement of the Public Health Act 1925 (sections 17-19) and Town Improvement Clauses Act 1847 (Section 64-65).
12. The Council has determined that your proposal is a chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended). Should your development be liable for a payment, the Council will shortly write to you with a CIL Liability Notice. The notice will contain details of any sums owed, the collection process and details of relief that may be applicable.
13. 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:

- i. Excavation for foundations
- ii. Damp proof course
- iii. Concrete oversite
- iv. Insulation
- v. Drains (when laid or tested)

- vi. Floor and Roof construction
- vii. Work relating to fire safety
- viii. Work affecting access and facilities for disabled people
- ix. Completion

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

14. 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>

15. Planning permission has been granted for this proposal. The Council acted pro-actively through engagement with the applicant during the application 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 39) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

16. In accordance with Section 93G of the Town and Country Planning Act 1990 (as amended). Notification must be given of commencement of the development hereby approved. Before the development is begun, the person proposing to carry out the development must give a notice to the Local Planning Authority specifying the date on which the person expects the development to be begun. Further details can be found online. Town and Country Planning Act 1990 (legislation.gov.uk) Notifications should be sent to planning@hertsmere.gov.uk

Case Officer Details

Georgia O'Brien - email address georgia.o'brien@hertsmere.gov.uk

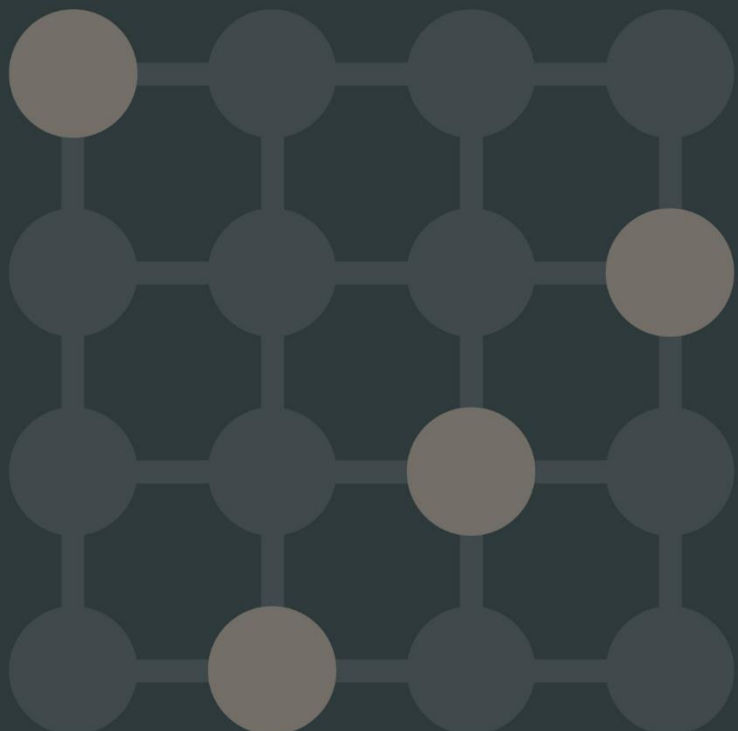


Land at Bushey Lane, Bushey

Redrow

Case Officer Comments - Response

March 2026





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1	Introduction	1
2	Comments and Response	2



1 Introduction

- 1.1 This technical note has been prepared in response to comments raised by the Planning Officer at Hertsmere District Council in relation to the proposed residential development on land at Bushey Lane, Bushey (Planning Ref: 24/1522/OUT) ahead of this being taken to Committee on Thursday 19th March 2026. It should be noted that these comments are further to technical approval (and a peer review) which has been undertaken by consultants appointed by Hertsmere through the consultation process.
- 1.2 To aid the review of this document, each of the comments raised form a heading with a brief response provided against each.

2 Comments and Response

There is already significant flooding issues on the road at Little Bushey Lane

- 2.1 The flooding along Bushey Lane is noted and it is reflected within the surface water hydraulic modelling that has been undertaken and referenced within the Flood Risk Assessment that was submitted.
- 2.2 In confirming this risk, it demonstrates that the model is representative of flood risk at the site and increases the confidence when assessing the proposed post development scenario (see below). This position is also supported by the Lead Local Flood Authority following their No Objection position.

The previous application was refused on flood risk grounds – how do the proposals now eliminate or mitigate those concerns

- 2.3 A detailed surface water hydraulic model has been undertaken and then adapted to review the impacts of the proposed development. Through measures such as raising development parcels, provision of overland flow routes and appropriate sizing of proposed crossings this has demonstrated that the development can be brought forward safely throughout its design life (i.e. making an allowance for climate change) whilst resulting in no detrimental impact.
- 2.4 In addition to the above, every effort has also been made to work with the wider design team to ensure that a 'joined up' approach to these flood corridors has been adopted through conversations with landscape as an example.
- 2.5 Throughout this process, extensive liaison has also been undertaken with key consultees. Whilst this is mainly the LLFA discussions have also been held with National Highways as an example.

How do we know that the drainage scheme won't increase flood risk elsewhere

- 2.6 The proposed drainage strategy has been prepared based on any post development surface water discharge being restricted to the Greenfield Runoff rate (i.e. pre-development conditions). In doing this, and noting the increase in impermeable area, this ensures that the rate at which water leaves the site will be unchanged from the present day (and undeveloped) scenario. The restriction of this rate is why attenuation storage is required. This therefore ensures no worsening of rate leaving the site and, if anything, would result in a reduction in rates when considering larger events as this water would be held in the basins.
- 2.7 The above provides the technical response but the approach adopted meets the industry standard approach to drainage strategy and follows local and national requirements. This is again something that has been supported through the no objection from the LLFA.

The assessment says that the LLFA objections are resolved but this is insofar as Outline stage only. We need to ensure that the full development would be safe for its lifetime. Is the Outline flood risk assessment less robust than that for a Full application? Why didn't the applicant submit a Full application

- 2.8 As is common, an Outline application presents the principles that are to be adopted with respect to the flood risk and drainage elements with further details to follow with latter stages (condition discharge, Reserved Matters etc) once the precise layout of the development is known. The level of detail is proportionate to the stage of the application and provides assurance that flood risk will be appropriately managed so that the development will be safe for its lifetime.
- 2.9 The principles outlined within this drainage strategy confirm that suitable space is provided for the required features (i.e. attenuation basins) whilst also providing further reassurance that 'on plot' water quality treatment features can also be provided. This is standard approach for an Outline Application and will form the basis as the masterplan progresses to a detailed layout and will be a key element in determining the next stage post Outline Approval being granted.

Has the applicant submitted precise technical drawings for the SuDS scheme/ basins

- 2.10 This is not a requirement to support an Outline Application. This is again due to the purposes of the drainage strategy to set out the principles to allow flexibility as the scheme layout and design progresses in more detail at later planning stages. In this case, this matter is captured by the detailed planning conditions that require further approval to be sought.

Fractures were recently discovered in Thames Water pipes/ sewers which was causing flooding on Little Bushey Lane – have these pipes been surveyed as part of the developer's assessment

- 2.11 This would explain the photographs that were shared on social media of recent flooding along the existing road and could provide reasoning for the flooding that was experienced.
- 2.12 In respect to the technical work, all the surface water modelling has been progressed based on any below ground infrastructure (i.e. the Thames Water sewers) being 'full' to meet national requirements for this modelling but also to, and where possible, ensure a conservative approach has been adopted. This conservative approach is the nationally accepted approach in order to build in a factor of safety but, and to answer this point, avoids the need for survey works to be undertaken to support modelling as this is often problematic due to not being in land under the applicant's control.
- 2.13 With respect to the surface water drainage elements, the proposed development does not propose any connection into these features with the site discharging into the watercourse to the east of the site. This would again confirm that no reliance (or interaction) with these sewers is proposed.
- 2.14 With respect to the position of these pipes being in 'poor' condition, this wouldn't be the responsibility of the application to sort owing to the location of these and that the proposed development doesn't provide any impact on this and this would be a point for Thames Water to investigate / rectify.

National Highways previously raised concerns regarding flooding to the M1



- 2.15 A meeting was held with National Highways to discuss this point, and the crux of their position was in relation to a known issue with an existing culvert not providing suitable capacity for large events.
- 2.16 Following these discussions, and again to adopt a conservative approach, the M1 culvert was modelled as being fully blocked to ensure any issues with capacity were represented. National Highways have confirmed that they 'are satisfied their original issues have been considered, and that the risk to the M1 and associated NH drainage has been appropriately mitigated' (subject to maintenance details being approved by condition).

Conditions 26 and 27 seem very high level to deal with the risk

- 2.17 Condition 42 provides significantly more detail around what would be required with respect to the drainage strategy. This makes specific reference to the Rappor documents along with key headlines from these documents.

How can we be reassured that the developer will produce a detailed drainage strategy

- 2.18 This would be secured through a planning condition.

rappor



Rappor Consultants Ltd

www.rappor.co.uk

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Bristol
London
Bedford
Exeter
Cirencester



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EXTRACT - UPDATE SHEET: PLANNING COMMITTEE – 19 MARCH 2026

ITEM 5D – 24/1522/OUT – Land East of Little Bushey Land and North of The Squirrels, Little Bushey Lane, Bushey

1. Queries raised in relation to flood risk

The queries raised at the technical meeting were passed to the applicant. A technical note in response to these was prepared by Rappor, the applicant's flood risk and drainage consultant. The technical note is appended to this Update Sheet.

2. Paragraph 7.57 states that a green/ blue infrastructure plan would be required setting out the detailed landscape framework and indicative drainage locations. This plan was provided, together with an open space strategy, following resolution of the LLFA's outstanding concerns. They are available to view on the website (dated 30 Jan 2026).
3. Requirements relating to gas boilers are covered by Building Regulations and therefore do not need to be conditioned. Condition 19 should therefore be omitted.
4. The s.106 Heads of Terms should be amended to refer to the requirement of a minimum 10% BNG achieved rather than the precise number of habitat units, as this is subject to change with future submission of reserved matters. The statutory requirement for BNG will not be affected and this would not affect the planning balance. The requirement for 'on-site' provision should also be omitted as some of the BNG may be achieved on land within the blue line which, whilst within the applicant's ownership, is not within the red line application site.
5. With regards to the 12th Head of Term which refers to the on-site diversion of PRoW 12, this should be amended to refer to a financial contribution to HCC towards the diversion as the off-site works cannot be delivered by the applicant.
6. The following amendments to conditions are proposed:

Condition no.	Amended text & justification
3	Typo correction:

	Access and Movement Parameter Plan - edp8864_d007c (Dated 26 November 2024)
11	Omit unenforceable requirement: <i>“Internal LA_{max} levels should not exceed 45dB more than ten times a night in bedrooms.”</i>
12	Delete and replace with a requirement for submission of a Noise Impact Assessment in relation to the proposed mobility hub at the suitable reserved matters stage as follows: <i>A Noise Impact Assessment in relation to the proposed mobility hub shall be submitted at the reserved matters stage which includes the proposed mobility hub.</i> <i>This report must then inform a scheme of sound insulation for the mobility hub, if required, which shall be submitted to and approved in writing by the Local Planning Authority before any works relating to the mobility hub take place. The scheme shall be developed in accordance with the approved scheme of sound insulation if said scheme is required.</i> <i>Reason: To protect the occupants of nearby residential properties from noise disturbance.</i>
21	Delete condition – covered by Building Regulations.
25	Delete condition – repeats requirements of 19. Add requirement to consult Affinity Water to condition 19.
26	Delete condition – repeats requirement of 42. Add requirement to consult Affinity Water to condition 42.
27	Delete condition – submission of a maintenance scheme for surface water drainage covered by condition 42. Add re requirement to consult Affinity Water to condition 42.
35	Amend triggers: <i>“Prior to the commencement of above ground development...”</i> <i>“The approved development shall be implemented in accordance with the abovementioned delivery programme...”</i>
38 & 39	Amended and combined as follows:

	<i>Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the onsite Rights of Way improvement works, together with a programme for the delivery of the works, has/have been submitted to and approved in writing by the Local Planning Authority.</i> <i>The on-site Rights of Way Improvement Plan works (including any associated highway works) referred to in Part A of this condition shall be completed in accordance with the above mentioned and approved programme.</i> <i>Reason: To ensure that the highway network is adequate to cater for the development proposed and in accordance with Policy 5 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).</i>
32 & 41	Combine requirements – both relating to internal highways works.

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Hertsmere Borough Council

Planning Committee

Minutes Extract of the meeting held in Civic Offices, Elstree Way, Borehamwood, Hertfordshire, WD6 1WA

Thursday, 19 March 2026

Present

Voting Members:

Councillors H Green (Chair), M Allen (Vice-Chair), C Gray (Vice-Chair), M Amron, G Briski, M Handley, A Kaza, P Morris, S Quilty, P Richards, B Rosehill, L Smith and N Susman

Also Present:

Councillors M Bright, C Myers, H Cohen, N Oakley, S Shah and P Kaza

Officers:

P Geraghty	Deputy Chief Executive Service Delivery
K Aratoon	Legal Services Manager
M Kolaszewski	Deputy Development Team Manager
K Humphries	Principal Planning Officer
L Page	Principal Planning Officer
G O'Brien	Principal Planning Officer
M Truman	Planning Officer
B Kam	Planning Officer
K Waters	Local Lead Flood Authority Flood Risk Technical Specialist
A Witherick	Democratic Services Manager

678. Membership

Councillor S Quilty substituted for Councillor D Lambert.

[At 7.58pm Councillor H Cohen left the meeting at the end of the previous item.]

[At 8.04pm Councillor P Kaza joined the meeting prior to the next item.]

682.4 Land East of Little Bushey Lane and North of the Squirrels, Bushey

Members noted the receipt of additional information as set out in the update sheet.

The Planning Officer presented the application which was for:
'Application for residential development (up to 280 dwellings) with access from Little Bushey Lane, a mobility / community hub (Class E), along with car parking, drainage and earthworks, open space and all

ancillary and enabling works (Outline Application with Appearance, Internal Access, Landscaping, Layout and Scale Reserved for subsequent approval).'

Mr D Nathan spoke against the application on behalf of local residents.

Miss M Dodd spoke for the application on behalf of the applicant.

Councillor S Shah spoke as Community Advocate against the application.

In response to Member questions, The Planning Officer clarified that the exceptions test was covered by the flood risk assessment and the drainage strategy and the Lead Local Flood Authority (LLFA) were satisfied with the proposal. The LLFA Flood Risk Technical Specialist explained that the scheme would actually reduce flood risk because it would attenuate the water and release it much slower back into the ordinary water courses. Once the layouts were set through the design in the full application, the LLFA would be checking that Sustainable Drainage Systems (SuDS) would be in place and objections would be raised if they did not come through with this layout to facilitate this intended system.

Members maintained concerns around the flood risk safety of the proposal. The Planning Officer explained that at appeal, the point of disagreement between the Council and the appellant was about the flood risk sequential test not the drainage system or otherwise. This was regarding the interpretation and application of the sequential test policy to assess whether there were any other suitable sites to accommodate the proposal. They clarified that this contention was not over flood risk safety to the site. The LLFA Flood Risk Technical Specialist further confirmed that the level of information contained in the report was sufficient for an outline application.

In relation to further flood safety concerns, The LLFA Flood Risk Technical Specialist stated Thames water surface water sewer took Highways drainage from the existing development. A high level of assessment was thus conducted over the level of water coming through in order to assess how big the channel would need to be. The design of the channel however could only be clarified at the reserved matters stage of the application.

Members remained uncertain and therefore unconvinced that flood risk was not a concern for the site. It was noted that the flood risk sequential test was not required given changes in policy.

Regarding Highways mitigations, the Planning Officer explained that the mitigations to be secured through the section 106 agreement were specifically what Hertfordshire County Council (HCC) had asked for in order to make the site sustainable and accessible. As such, the new bus stops would continue their bus service alongside an additional bus service along Little Bushey Lane at a frequency of 30 minutes respectively. Public right of way improvements were also requested.

There would also be travel plans for the schools and for the surrounding residential area. The Highways Authority and Officers were satisfied that it was a sustainable location with these mitigations to be secured and no objections had been raised by them.

The Legal Officer reminded Members that Visiting Members should not approach presenting officers during the Planning Committee as a point of procedure.

Members raised concerns over harms to the landscape and building on agricultural land. Officers noted that this landscape harm had been accounted for in the report. They highlighted that the landscape harm had arisen in the previous scheme and the applicant had sought to address some of these previous concerns. As such, the Officers had deemed it proportionate to lower the weight given to this harm. Clarification was also given that the site was grazing land not agricultural and thus an agricultural land survey was not required as per policy.

It was proposed by: Councillor M Allen, seconded by Councillor P Richards that the application be REFUSED on all grounds; that they disagreed with the Grey Belt designation as the scheme made a strong contribution to purpose a of Green Belt policy regarding unrestricted sprawl, there was inadequate Highways infrastructure provision in breach of the Golden Rules, the proposal was not a sustainable location with no demonstrated improvement to bus services, the Highways impact at the Little Bushey Lane Hartspring Junction and uncertainty over the flood risk concerns.

The Planning Officer advised that if Members did not agree with the Officer Grey Belt assessment of the site, Very Special Circumstances (VSCs) had to be assessed for appropriate development in the Green Belt. Officers had conducted this VSC assessment in the case that Members were not minded to accept the Grey Belt designation. As such, Members were asked to decide whether the benefits outweighed the harms. Members disagreed that the benefits outweighed the harms and thus VSCs did not exist as per the Officer VSC assessment, subject to the amending of the Landscape Impact harm to be Substantial rather than Moderate.

For: (13 total) - Councillors M Allen, M Amron, G Briski, C Gray, H Green, M Handley, A Kaza, P Morris, S Quilty, P Richards, B Rosehill, L Smith and N Susman

Against: (0 total) - No votes

Abstain: (0 total) - No votes

Total votes cast: 13

RESOLVED that the application be REFUSED on all grounds; that Members disagreed with the Grey Belt designation as the scheme made a strong contribution to purpose a of Green Belt policy

regarding unrestricted sprawl, there was inadequate Highways infrastructure provision in breach of the Golden Rules, the proposal was not a sustainable location with no demonstrated improvement to bus services, the Highways impact at the Little Bushey Lane Hartspring Junction and uncertainty over the flood risk concerns.

Members asked whether the next application could be deferred to a future meeting to give it due time and consideration given the meeting would now run past 11pm.

The Interim Development Team Manager advised that the application in question was given an extension of time to cover this committee. If no decision was given at this committee, there was a risk that the application could be appealed for non-determination.

Members agreed to a brief adjournment to seek further advice on this from Officers.

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