

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Thursday, 17 April 2025 at 7.30 pm

Members of the Planning Committee:-

Councillors:

Chris Whately-Smith (Chair)
Harry Davies
Steve Drury
Andrea Fraser
Philip Hearn
Stephen King

Elinor Gazzard (Vice-Chair)
Chris Lloyd
Abbas Merali
Chris Mitchell
Debbie Morris

*Joanne Wagstaffe, Chief Executive
Wednesday, 9 April 2025*

The Council welcomes contributions from members of the public to aid discussions on agenda items at Planning Committee meetings.

Details of the procedure are provided below:

For those wishing to speak:

Please note that, in the event of registering your interest to speak on an agenda item but not taking up that right because the item is deferred, you will be given the right to speak on that item at the next meeting of the Planning Committee.

Members of the public are entitled to speak on an application from the published agenda for the meeting either in support of the application or against. Those who wish to speak can arrive on the night from 7pm to register with the Committee Manager. One person can speak in support of the application and one against.

Please note that contributions will be limited to no more than three minutes.

For those wishing to observe:

Members of the public are welcome to attend the meetings. If you wish to observe you can arrive on the night from 7pm.

In accordance with The Openness of Local Government Bodies Regulations 2014 any matters considered under Part I business only of the meeting may be filmed, recorded, photographed, broadcast or reported via social media by any person.

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Legislation and the laws of libel and defamation.

1. Apologies for Absence

2. Minutes

(Pages 5 - 12)

To confirm as a correct record the minutes of the Planning Committee meeting held on 20 March 2025.

3. Notice of Urgent Business

Items of other business notified under Council Procedure Rule 30 to be announced, together with the special circumstances that justify their consideration as a matter of urgency. The Chair to rule on the admission of such items.

4. Declarations of Interest

To receive any declarations of interest.

5. 24/0829/FUL - Change of use from Class E(a) to Mixed Use for restaurant and takeaway (Class E(b) and Sui Generis); addition of HVAC plant, provision of vehicular access from Northway accommodating motorcycle and cycle parking with associated works at 94 – 102 High Street, Rickmansworth WD3 1AQ

(Pages 13 - 56)

Change of use from Class E(a) to Mixed Use for restaurant and takeaway (Class E(b) and Sui Generis); addition of HVAC plant, provision of vehicular access from Northway accommodating motorcycle and cycle parking with associated works at 94 – 102 High Street, Rickmansworth.

Recommendation: That planning permission be granted.

6. 24/0832/ADV – Advertisement Consent: Installation of 1 no. acrylic white externally illuminated "McDonald's" letterset, 1 no. yellow vinyl "Golden Arch" applied externally to glazing, 1 no. externally illuminated projection sign, 6 no. parking signs and 1no. railing sign at 94 – 102 High Street, Rickmansworth, Hertfordshire WD3 1AQ

(Pages 57 - 68)

Advertisement Consent: Installation of 1 no. acrylic white externally illuminated "McDonald's" letterset, 1 no. yellow vinyl "Golden Arch" applied externally to glazing, 1 no. externally illuminated projection sign, 6 no. parking signs and 1no. railing sign at 94 – 102 High Street, Rickmansworth.

Recommendation: that advertisement consent is granted.

7. 24/1384/RSP – Part Retrospective: Change of use of land to provide for 11no. pitches for residential purposes together with the formation of hardstanding and erection of a dayroom building at Little Liz, Old House Lane, Kings Langley WD4 8RS

(Pages 69 - 94)

Part Retrospective change of use of land to provide for 11no. pitches for residential purposes together with the formation of hardstanding and erection of a dayroom building at Little Liz, Old House Lane, Kings Langley.

Recommendation: that subject to no new material considerations being raised and following the expiration of the consultation period (25 April 2025), the decision be delegated to the Head of Regulatory Services to grant part-retrospective planning permission, subject to conditions.

8. **24/1401/FUL – Demolition of existing front boundary wall and erection of replacement wall and railings including vehicle and pedestrian gates; fencing and associated alterations to parking layout at Christ Church C of E School, Rickmansworth Road, Chorleywood, Rickmansworth, Hertfordshire WD3 5SG** (Pages 95 - 116)

Demolition of existing front boundary wall and erection of replacement wall and railings including vehicle and pedestrian gates; fencing and associated alterations to parking layout at Christ Church C of E School, Rickmansworth Road, Chorleywood, Rickmansworth.

Recommendation: that planning permission be granted.

9. **24/1670/FUL – Part single, part two-storey rear extensions, front porch alterations; alterations to roof to allow habitable accommodation including removal of chimney and increase in ridge height, rear dormers and roof lights; alterations to fenestration and internal alterations; construction of two-stepped rear patio area; construction of basement; alteration of existing garage to allow use as part garage, part annexe, including extension to existing garage and roof alterations to allow for habitable accommodation including increase in ridge height, dormers and roof lights; erection of an outbuilding to the rear at Banstead Down, Old Chorleywood Road, Rickmansworth, Hertfordshire WD3 4EH** (Pages 117 - 138)

Part single, part two-storey rear extensions, front porch alterations; alterations to roof to allow habitable accommodation including removal of chimney and increase in ridge height, rear dormers and roof lights; alterations to fenestration and internal alterations; construction of two-stepped rear patio area; construction of basement; alteration of existing garage to allow use as part garage, part annexe, including extension to existing garage and roof alterations to allow for habitable accommodation including increase in ridge height, dormers and roof lights; erection of an outbuilding to the rear at Banstead Down, Old Chorleywood Road, Rickmansworth.

Recommendation: that planning permission be granted.

10. **25/0288/FUL - Erection of a single storey detached building for educational purposes at Chorleywood Montessori School, Chorleywood House Estate, Rickmansworth Road, Chorleywood WD3 5SL** (Pages 139 - 158)

Erection of a single storey detached building for educational purposes at Chorleywood Montessori School, Chorleywood House Estate, Rickmansworth Road, Chorleywood.

Recommendation: that planning permission be granted.

11. Other Business - if approved under item 3 above

Exclusion of Public and Press

If the Committee wishes to consider any items in private, it will be appropriate for a resolution to be passed in the following terms:

“that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

(Note: If other confidential business is approved under item 3, it will also be necessary to specify the class of exempt or confidential information in the additional items).

General Enquiries: Please contact the Committee Team at
committeeteam@threerivers.gov.uk



Three Rivers House
Northway
Rickmansworth
Herts WD3 1RL

Planning Committee MINUTES

Of a meeting held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 20 March 2025 from 7.30 - 10.00 pm

Present: Councillors Chris Whately-Smith (Chair), Elinor Gazzard, Harry Davies, Steve Drury, Andrea Fraser, Philip Hearn, Chris Lloyd, Abbas Merali, Chris Mitchell and Debbie Morris

Also in Attendance:

Councillors Oliver Cooper, Ciarán Reed and Narinder Sian

Officers in Attendance:

Matthew Barnes, Planning Solicitor
Lauren Edwards, Senior Planning Officer
Alex Laurie, Principal Trees and Woodlands Officer
Emma Lund, Senior Committee Officer
Matthew Roberts, Development Management Team Leader
Kimberley Rowley, Head of Regulatory Services

External in Attendance:

Parish Councillor Jon Bishop (Chorleywood Parish Council), County Councillor Paula Hiscocks (Rickmansworth West), Parish Councillor Guy Parks (Croxley Green Parish Council) and Parish Councillor Diana Barber (Batchworth Community Council)

PC119/25 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor King.

PC120/25 MINUTES

The minutes of the meeting of the Planning Committee held on 20 February 2025 were confirmed as a correct record and signed by the Chair.

PC121/25 DECLARATIONS OF INTEREST

Councillor Mitchell declared an interest in agenda item 10 (25/0092/RSP: 90 Valley Walk, Croxley Green) as he did not feel that he could consider the application with an open mind. Councillor Mitchell left the meeting whilst the application was discussed and did not participate in determining it.

PC122/25 NOTICE OF URGENT BUSINESS

There were no items of urgent business.

PC123/25 CONFIRMATION OF TREE PRESERVATION ORDER 932 (THE COURT, RICKMANSWORTH ROAD, CHORLEYWOOD) 2024

The Committee was invited to consider confirmation of Tree Preservation Order 932 (The Court, Rickmansworth Road, Chorleywood).

The Principal Trees and Woodlands Officer reported that following the serving of the Order on 11 December 2024, one objection had been received. This was based on the following four points: (i) that the TPO duplicated tree protection already in place, as the site was in the Chorleywood Common Conservation Area; (ii) that it would make future tree works more difficult as the removal of the smallest tree, which was not protected by conservation area status, would now require permission; (iii) that the owners of The Court ceased work on the site after being advised to by Council Officers; and (iv) that the incorrect form of TPO – an area order – was served, rather than using individual group or woodland categories.

The officer response to these points was that: (i) due to the works taking place to trees at The Court, officers considered it expedient to serve a TPO to formally recognise the public amenity value of the trees and strengthen the conservation area protection by ensuring that all trees, of whatever size or species, were protected; (ii) extending the protection to all trees should not make future tree works significantly more difficult, as the process of submitting a conservation area notification was essentially the same as a TPO tree works application; (iii) as outlined in the report, tree works at The Court had continued between November 2024 until around February 2025. Officers had repeatedly advised the owner and workers on site, both verbally and in writing, to stop work and submit a conservation area notification; and (iv) government guidance advised that area TPOs could be used to rapidly protect all trees present on a site, although the guidance did advise that this form of TPO should be a temporary measure and should be replaced with a more specific TPO for long term protection.

The officer recommendation was that the order should be confirmed and TPO 932 made permanent.

A speaker on behalf of the site owner spoke against confirmation of the order.

Councillor Ciarán Reed and Parish Councillor Jon Bishop of Chorleywood Parish Council spoke in favour of confirmation of the order.

Committee Members asked questions about the detail of the order, the current status of the site, and actions which could be taken in the event that any trees were found to have been removed unlawfully. These were responded to by officers.

Councillor Lloyd moved, and Councillor Gazzard seconded, confirmation of the order and on being put to the vote this was carried unanimously.

RESOLVED: that Tree Preservation Order 932 (The Court, Rickmansworth Road, Chorleywood) be confirmed.

PC124/25 24/1155/RSP - PART RETROSPECTIVE: WORKS TO REAR GARDENS OF PLOTS 1 AND 2 INCLUDING LAND LEVELLING, EXTERNAL PATIO, RETAINING WALLS, EXTERNAL SEATING AREAS AND FENCING AT VIVIKT, CHORLEYWOOD ROAD, RICKMANSWORTH WD3 4EP

The application was part retrospective for works to rear gardens of Plots 1 and 2 including land levelling, external patio, retaining walls, external seating areas and fencing at Vivikt, Chorleywood Road, Rickmansworth.

The Planning Officer reported that following deferral of the application at the 7 November 2024 Planning Committee meeting, new topographic information had been obtained from the

applicant following a survey which had taken place in February. This showed the current land levels at the site. The application before the Committee sought to alter the land levels further to allow for the backfill of topsoil and turf, and this would mean that parts of the garden would remain higher than the pre-existing levels. It was accepted that the land levels had altered since the planning breach had been identified: the applicant was not proposing to revert to the original levels.

Following the November Planning Committee a re-consultation had taken place following a number of revisions to the original plans. This had included fencing adjacent to the patio in Plot 1 adjacent to Raydons; the proposed movement of earth away from the Raydons boundary approximately 3.2m wide; and fencing to the rear of Plot 2.

The Planning Officer provided a presentation on the history of the changes to the land levels and the proposed levels which would result from the development. The presentation included photographs in and around the site. The Planning Officer commented that the land originally sloped down towards the rear of the site, and as topographical surveys had only been carried out once works had begun, it meant that it was not possible to be able to accurately specify the original land levels. In summary, officers were of the opinion that whilst the land levels arising from the proposal would be higher than those pre-existing, subject to moving the spoil back it was not considered that it would result in demonstrable harm.

A public speaker spoke against the application.

Councillor Oliver Cooper, Hertfordshire County Councillor Paula Hiscocks and Parish Councillor Jon Bishop spoke against the application.

Committee Members asked questions about the details of the application which were responded to by officers. The Committee's discussions included the following:

- The alterations to land levels and the deposition of the topsoil did result in an adverse impact of the amenity of neighbouring properties which was not outweighed by the benefits of the proposal;
- The local County Councillor, Ward Councillor and Parish Councillor were all in attendance at the meeting and had all spoken against the application, including citing the impact on adjacent properties;
- The proposal was considered to result in an adverse impact on neighbouring properties arising from lack of privacy and changes to land levels. Concern was also expressed about the impact of spoil around a tree;
- Committee Members discussed a further deferral of the application in order to undertake a site visit. After debate, it was considered that the alterations to the land levels which had been made so far were already detrimental to the amenity of neighbouring properties and could not be mitigated, such that this warranted refusal of the application. Sufficient information to reach this judgement had already been provided.

Councillor Lloyd proposed, and Councillor Mitchell seconded, refusal of the application due to the impact on neighbouring amenity arising from loss of privacy. On being put to the vote this was carried, the voting being 8 in favour, 0 against and 2 abstentions.

RESOLVED: that the application be refused.

PC125/25 24/1837/FUL – SUB-DIVISION OF SITE; CONSTRUCTION OF TWO STOREY DETACHED DWELLING, INCLUDING BASEMENT LEVEL, SOLAR PANELS, ACCESS, PARKING AND LANDSCAPING WORKS AT MELDON, CHENIES ROAD, CHORLEYWOOD, HERTFORDSHIRE WD3 5LY

The application was for sub-division of site; construction of two storey detached dwelling, including basement level, solar panels, access, parking and landscaping works at Meldon, Chenies Road, Chorleywood. The application had been deferred at the previous meeting on 20 February in order to allow for a site visit.

Councillor Drury stated that he had not been present at the previous meeting, nor had he attended the site visit. Councillor Merali stated that he had attended the previous meeting but not the site visit. Councillors Fraser and Hearn stated that they had not attended the last meeting but had attended the site visit. All of the councillors had read the officer report and the minutes of the February meeting and considered themselves able to determine the application.

The Planning Officer reported that in addition to the site visit, the Conservation Officer's comments in relation to the new plans had also been circulated since the February meeting. The Conservation Officer had concluded that the development would result in less than substantial harm at the lower end of the scale.

Councillor Cooper spoke against the application.

Committee Members asked questions about the details of the report which were responded to by officers. The Committee's discussions included the following:

- A Committee Member expressed the view that the development would represent over-massing of the site; that it would not result in a type of housing which was needed within the district, and that weight should be given to the Conservation Officer's comments in relation to harm caused;
- A Committee Member drew attention to the proximity of the proposed flank wall of the new building to neighbouring properties. The copper beech tree which was proposed to provide screening was not in leaf all year round, resulting in an adverse impact on neighbouring amenity;
- Other comments included that it would be overbearing in relation to the boundary and very visually prominent, and that the neighbouring gardens would be surrounded by 'a wall' of cypress trees which would result in an impression of enclosure. Overall, the proposal was an un-neighbourly form of development which would adversely affect neighbouring amenity;
- In view of the Conservation Officer's comments, there was concern that the proposal did not meet the test of conserving or enhancing the conservation area. It was considered that it would result in harm to the Conservation Area arising from the sub-division of the site, the scale of the development and the use of inappropriate materials.

Councillor Morris proposed, and Councillor Lloyd seconded, refusal on the grounds that the development by virtue of its scale, siting and proximity to the boundary to the south would result in a visually overbearing form of development and this would be to the detriment of the residential amenities of the properties at Heritage Walk and Clockhouse Mews, affecting their enjoyment of their amenity spaces contrary to Policies CP1, CP12, the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD. The development would also harm the conservation area, resulting in less than substantial harm. The adverse impacts of the development would significantly and demonstrably outweigh the benefits. On being put to the vote this was carried unanimously.

RESOLVED: that the application be refused, with the reasons for refusal to be circulated to Committee Members for agreement before the decision is issued.

PC126/25 24/1843/FUL – CONSTRUCTION OF A GOLF POD PRACTICE FACILITY, INCLUDING 10NO. COVERED PRACTICE BAYS WITH AN OUTFIELD FULLY ENCLOSED WITH BALL STOP NETTING SUSPENDED FROM PURPOSE-BUILT SUPPORTS; AND ASSOCIATED REGRADING OF LAND AT RICKMANSWORTH MUNICIPAL GOLF CLUB, MOOR LANE, RICKMANSWORTH, HERTFORDSHIRE WD3 1QL

The application was for construction of a golf pod practice facility, including 10no. covered practice bays with an outfield fully enclosed with ball stop netting suspended from purpose-built supports; and associated regrading of land at Rickmansworth Municipal Golf Club, Moor Lane, Rickmansworth.

The Planning Officer reported that the recommendation to approve the application was subject to a S106 agreement to secure a Biodiversity Net Gain monitoring fee. The proposal comprised the creation of a new hole at the far end of the course and would involve minor landscaping works; these works would require the temporary closure of the par 3 course.

The proposal was before the Committee as the application site was on council-owned land.

Committee Members asked questions about the detail of the application which were responded to by officers. The Committee's discussions included the following:

- The golf pods would be fully enclosed, with netting surrounding the facility and were of a type which was in common usage;
- The proposal would include shrub planting as part of the biodiversity net gain, and three new trees;
- Ongoing maintenance of the pods was not a planning matter; however, it would be in the applicant's interest to ensure that the facility was well-maintained, both in order to encourage its continued use and also for health and safety reasons;
- The proposal would have clear benefits in terms of promoting an active leisure opportunity which also inclusive, and this outweighed the identified harm. It would also help to ensure the continued financial viability of the facility from the applicant's perspective;
- Officers were asked to amend the wording of Condition 10 to require the applicant to apply for planning permission if any external lighting were needed, given the setting of the site location and concern for local wildlife.

Councillor Whately-Smith moved, and Councillor Merali seconded, approval of the application subject to completion of the S106 agreement, planning conditions and amendment to Condition 10 as outlined above. On being put to the vote this was agreed unanimously.

RESOLVED: that planning permission be granted subject to the completion of a section 106 agreement securing Biodiversity Net Gain monitoring, planning conditions, and amendment to condition 10 as outlined above.

PC127/25 24/2089/FUL - CONSTRUCTION OF A SINGLE STOREY REAR EXTENSION; DRIVEWAY EXTENSION AND CONVERSION OF GARAGE INTO HABITABLE ACCOMMODATION AT 20 TOWNFIELD, RICKMANSWORTH, HERTFORDSHIRE WD3 7DD.

The application was for construction of a single storey rear extension; driveway extension and conversion of garage into habitable accommodation at 20 Townfield, Rickmansworth.

The Planning Officer provided an update that the wording in the summary of objections at section 4.2.3 of the report which referred to 'Party wall with neighbour left exposed' should be amended to read 'Boundary ownership disputes.'

A local resident spoke against the application.

Parish Councillor Diana Barber of Batchworth Community Council, spoke on the application.

Committee Members asked questions about the details of the application which were responded to by officers. The Committee's discussions included the following:

- The application was subject to a boundary dispute; however, boundary disputes were not a material planning consideration. Planning permission would not negate the need for the applicant to comply with any other relevant legislation;
- With regard to the garage conversion and the window in the frontage, the Planning Officer was of the view that whilst there were not any other garage conversions within the same terraced row, there were some differences within the wider locality and variations within the other terraced rows. The Planning Officer did not therefore consider the development to be harmful, subject to the use of matching materials and other conditions;
- The extension was 3.6m in depth and Appendix 2 of the Development Management Policies generally allowed for 3.6 deep extensions to semi-detached and terraced dwellings. The proposal was therefore in line with guidance. An extension of 3m would likely be permissible under permitted development, without a requirement for planning permission;
- The proposal involved widening the driveway to allow for two cars to be parked side by side, and there was precedent for this elsewhere in Townfield. Condition 4 required the driveway to be of a permeable material. It was noted that the driveway extension in itself may be permissible under permitted development, without requiring planning permission. However, it was included in the application in order to demonstrate the additional parking provision within the context of the development as a whole. In response to a question the Planning Officer confirmed that the parking space for two cars was compliant in terms of size;
- Given the boundary dispute, Committee Members endorsed the addition of an informative highlighting that any planning permission would not override the necessity to comply with any other relevant legislation;
- Having visited the site, officers did not consider that the proposal would have a detrimental impact on neighbouring amenity, for the reasons set out in the report. Some Committee Members did not agree with this assessment.

Councillor Hearn moved, and Councillor Whately-Smith seconded, approval of the application subject to conditions and the addition of an informative reminding the applicant that the grant of planning permission did not negate the need to act in accordance with all other relevant legislation. On being put to the vote this was carried, the voting being 6 in favour, 1 against and 3 abstentions.

RESOLVED: that the application be approved subject to conditions and the addition of an informative reminding the applicant that the grant of planning permission did not negate the need to act in accordance with all other relevant legislation.

PC128/25 25/0092/RSP – PART RETROSPECTIVE: DEMOLITION OF SEMI-DETACHED DWELLING AND ERECTION OF A SEMI-DETACHED TWO-STOREY REPLACEMENT DWELLING INCLUDING ASSOCIATED LANDSCAPING, HARDSTANDING AND INSTALLATION OF HEAT PUMP AT 90 VALLEY WALK, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE WD3 3TG.

Councillor Mitchell left the meeting whilst this application was considered and did not participate in the debate or vote.

The application was part retrospective for demolition of a semi-detached dwelling and erection of a semi-detached two-storey replacement dwelling including associated landscaping, hardstanding and installation of a heat pump at 90 Valley Walk, Croxley Green, Rickmansworth.

A local resident spoke against the application.

Councillor Sian spoke on the application.

Parish Councillor Guy Parks of Croxley Green Parish Council spoke on the application.

Members of the Committee asked questions about the details of the application which were responded to by officers. The Committee's discussions included the following:

- As set out in the report, the Planning Officer was of the view that three cars could not be accommodated on the frontage. The acceptability of the application was based on two parking spaces and the one parking space shortfall was considered to be acceptable;
- Committee Members acknowledged the impact which the scale of demolition of the pre-existing dwelling had had on neighbours and nearby residents;
- Officers were asked to review the recommended conditions against those which had been suggested by the speaker from the Parish Council, to consider adding any which were not already included if they were within the purview of the planning authority, with final wording for conditions to be circulated to the Committee for agreement;
- It was noted that the applicant was proposing to use external materials which were not considered to be in keeping with the surrounding properties. Committee Members recommended that only materials which matched the remainder of the terrace should be permitted. It was agreed that the applicant should be asked to provide a schedule of materials in order that officers could assess whether these would be acceptable in terms of the character and appearance of the street scene. If not, and if the applicant declined to change materials where requested, the application would need to be brought back to the Committee.

Councillor Whately-Smith moved, and Councillor Lloyd seconded, that the decision be delegated to the Head of Regulatory Services to make any minor amendments necessary to the planning conditions and grant part retrospective planning permission subject to agreement by the applicant of external materials to be used. On being put to the vote this was agreed unanimously.

RESOLVED: that the decision be delegated to the Head of Regulatory Services to make any minor amendments necessary to the planning conditions and grant part retrospective planning permission subject to agreement by the applicant of external materials to be used.

CHAIR

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PLANNING COMMITTEE – THURSDAY 17th APRIL 2025

24/0829/FUL - Change of use from Class E(a) to Mixed Use for restaurant and takeaway (Class E(b) and Sui Generis); addition of HVAC plant, provision of vehicular access from Northway accommodating motorcycle and cycle parking with associated works at 94 – 102 HIGH STREET, RICKMANSWORTH, WD3 1AQ

Parish: Batchworth Community Council
Expiry of Statutory Period: 24.07.2024
(Extension of Time: 25.04.2025)

Ward: Rickmansworth Town
Case Officer: Scott Volker

Recommendation: That PLANNING PERMISSION BE GRANTED.

Reason for consideration by the Committee: Called-in by three members of the Planning Committee to discuss the change of use and examine the rear access as proposed.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SDZ62JQFJY000>

1 Committee Update

- 1.1 This application was considered by the Planning Committee on 12th December 2024. At the meeting Members raised concerns that the application was supported by insufficient information on the noise impact of the proposed development on surrounding neighbouring residents and comments from the Environmental Health Officer (EHO) were still awaited. As a consequence, Members resolved to defer the application in order for Officers to seek further information from the applicant which would allow the EHO to make a comprehensive assessment.
- 1.2 Since the previous committee meeting the applicant has submitted an Addendum 2 (Courier Bikes) prepared by Acoustic Associates SW Ltd., dated 20th February 2025 to accompany the Noise Impact Assessment and Addendum 1 already submitted as part of the initial application. The EHO was consulted on the additional information and their comments are provided at paragraph 5.1.5 of this report. Full consideration of the report and the EHO comments can be found at paragraph 9.3.19 of this report.
- 1.3 Other matters that the Committee requested clarification on has been provided by the applicant which have been updated within the report at relevant sections as indicated by the paragraph numbers in brackets. These include:
 - further detail on litter collection (9.1.10);
 - consideration of swing doors to main entrance and cleaning of historic plaque (9.2.11);
 - incorporation of soft-closure doors to the rear courier doors (9.4.31);
 - consideration of impacts during construction phase (9.4);
 - external lighting to rear and provision of CCTV (9.10).
- 1.4 The comments of the Conservation Officer which were received shortly before the publication of the report ahead of the planning committee held on 12 December 2024 and are included within this report.

2 Relevant Planning History

- 2.1 24/0832/ADV - Advertisement Consent: Installation of 1 no. acrylic white externally illuminated "McDonald's" letterset, 1 no. yellow vinyl "Golden Arch" applied externally to glazing, 1 no. externally illuminated projection sign, 6 no. parking signs and 1 no. railing sign – Pending consideration.

3 Description of Application Site

- 3.1 The application site contains a two-storey flat roofed commercial unit located on the northern side of the High Street, Rickmansworth. The host building is currently vacant but was previously in use as a clothing retail unit known as M&Co. until 2023.
- 3.2 The host building is located within the Primary Retail Frontage of Rickmansworth Town Centre which runs along both sides of the High Street and is located within the Rickmansworth Conservation Area. An M&Co. advertisement remains on the fascia of the building despite its vacant nature.
- 3.3 The application site is principally accessed from High Street but does benefit from a side and rear stair access into the building. No vehicular access or drop kerb exists at the rear onto Northway.
- 3.4 To the north of Northway behind the application site is Penn Place which is a residential flatted development. Adjacent to the site on the High Street is a restaurant and a hairdressers, and on the opposite side of the road are further commercial premises. The High Street itself is generally flat, but the land levels rise gradually to the north such that Northway and the development beyond (Penn Place) is set on a higher land level than the High Street.

4 Description of Proposed Development

- 4.1 Planning permission is sought by for the change of use of the existing Class E(a) unit (former retail store) to a mixed Class E(b) and Sui Generis (restaurant and takeaway) use alongside associated works to make the unit suitable for the proposed use.
- 4.2 To facilitate the new premises, the rear of the unit would be re-configured with part of the existing building removed to provide for 6 motorcycle spaces in addition to a secured cycle store providing two spaces for staff. The reconfiguration will include a new stairwell to provide for courier access. To facilitate the new courier area, a new dropped kerb access will be provided for motorcycle parking from Northway.
- 4.3 Internally, the unit would comprise a restaurant space with provision also made for takeaway customers. The restaurant space has a proposed dining area of approximately 57sq.m which will accommodate approximately 60 covers, restricted to the ground floor only. The customer seating area will include a variety of seating types and table sizes.
- 4.4 Elsewhere on the ground floor, a kitchen, crew room, toilets, office and McDelivery collection point are proposed. The latter would have an external access with steps going up to the rear courier parking area. From the rear of the building, the ground floor acts as a basement given the difference in land levels between High Street and Northway. To the front of the building there would also be a separate entrance for goods deliveries which would enter the building and use the goods lift to access the first floor.
- 4.5 At first floor level there would be another kitchen, storage areas, plant rooms and goods lift with access provided from the existing side stair access and a new rear access point to the courier access.
- 4.6 On the roof of the building, it is proposed to install HVAC (Heating, Ventilation, and Air Conditioning) plant with enclosures.

- 4.7 The application also proposes alterations to the shopfront, including a new main entrance for customers, and separate access for deliveries. Additionally, a new entrance for couriers and delivery partners is proposed to the rear from Northway - this is to separate collection/delivery from the customer areas.
- 4.8 A separate application for advertisement signage is has been submitted under reference 24/0832/ADV and is pending consideration.
- 4.9 Amended plans were received during the course of the application to correct some discrepancies between the ground floor plan and the proposed front elevation plan with respect to the location of the customer entrance; provide further detail with regards to visibility splays and dropped kerb on Northway; propose a 2m high acoustic screen surround to the HVAC on the roof of the building.

5 Consultation

5.1 Statutory Consultation

- 5.1.1 Hertfordshire County Council – Highway Authority – Initial Consultation: Further information required.

In order for HCC as the Highway Authority to fully assess the application some clarifications and amendments are requested. The proposed dropped kerb at the rear of the site on Northway has been shown to measure approximately 8.3m in size on drawing number 8712-SA-2318-P004 B; this would be considered oversized for the size of development. As motorcycles are the largest vehicle that the site is to cater for, a smaller dropped kerb would be more suitable to ensure that pedestrian movements are maintained as priority along Northway. Additionally, in order for HCC to assess the safety of the new access, visibility splays should be dimensioned on a proposed plan in line with HCC's Place and Movement Planning and Design Guidance (PMPDG). The motorcycle spaces which have been shown on drawing 8712-SA-2318-P004 B measure approximately 2.3m x 1.2m; whilst according to the PMPDG Part 3 Chapter 1 motorcycle spaces should measure 2.5m x 1.5m.

Therefore, the size of these spaces should be amended, and a swept path analysis provided. It should also be noted that the proposed Sheffield cycle stands mentioned in the Transport Assessment are located on highway land so would not count towards the cycle parking provision for the site; as well as requiring additional S278 works and a full assessment and safety audit to ensure they are in line with HCC standards. Once these amendments have been provided, HCC will be in the position to determine the application.

- 5.1.2 Hertfordshire County Council – Highway Authority – Second Consultation: No objection subject to conditions.

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

1) Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 8712-SA-2318-P004 D in accordance with details/specifications submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water 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).

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

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

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

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

Comments/Analysis

Description of Proposal

Change of use from Class E to Mixed Use for restaurant and takeaway (Class E and Sui Generis); provision of vehicular access, parking with associated works

Site and Surroundings

High Street is an unclassified local distributor route subject to a 20mph speed limit which is highway maintainable at public expense. As per Hertfordshire County Council's new design guide (Place and Movement Planning Design Guide (PMPDG)) High Street is classified as a P3/M2. Northway, the location of the proposed highway access, is also an unclassified

local distributor route subject to a 20mph speed limit which is highway maintainable at public expense, and as per Hertfordshire County Council's PMPDG it is also classified as a P3/M2. The site is located in the centre of Rickmansworth in an area populated by a high level of retail spaces. The closest bus stop to the site is located approximately 100m away on Northway, and Rickmansworth train station is within 300m from site. The Highway Authority are satisfied the site is in a sustainable location, which is in line with the principles set out in HCC's Local Transport Plan 4 (LTP4).

Access and Parking

The application proposes to create a dropped kerb access from Northway into the site for use by mopeds and cycles acting as delivery vehicles for the proposed restaurant. The amended plan, drawing number 8712-SA-2318-P004 D, shows a dropped kerb measuring 3m in width; a more suitable size than the initial submission as the dropped kerb is only to be used by two wheeled vehicles. The smaller dropped kerb ensures that pedestrian movements along the footway on Northway remain as priority, in line with LTP4. The drawing within the Traffic Note. 5889-01 shows visibility splays of 2m x 25m. This splay size is suitable given the speed of the route and that mopeds and bicycles are to be the only vehicles to use the access. There have not been any collisions along Northway within the last 5 years. Regarding trip generation, a permitted trip generation for a local shop at the site was completed and then compared to a trip generation for a takeaway shop for the proposed development. McDonald's has also provided their own data for trips using existing restaurant data. From the data which has been presented from McDonald's and TRICS, it is concluded that 85% of trips to the site will be linked trips rather than new. And of the new trips, the vehicular trips to the site itself would be mopeds acting as couriers using the proposed parking area, as there is no car parking within the site, nor fronting it as the bays are for loading only and the TRO which has recently been put in place prevents vehicles from using High Street at certain times. Therefore, it is considered that the trip generation of the proposed restaurant would not have a severe impact upon the flow of the nearby highway.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that the rear of the site is to become a parking area for delivery vehicles. The layout of the proposed parking provision includes six motorcycle/moped bays, which have been amended in the proposed site plan, number 8712-SA-2318-P004 D, to measure the appropriate dimensions of 2.5m x 1.5m according to the Place and Movement Planning and Design Guidance (PMPDG). Two cycle spaces have been provided in a secure storage unit within this area too. Within the Transport Statement, provided in the initial application, three Sheffield stands are proposed for cycle parking on High Street adjacent to the parking bays which front the site. The position of the stands allows the required 2m footway to remain clear ensuring the flow of the footway is not interrupted. As the stands are located on highway land, they would be installed as part of a Section 278 agreement to allow works on the highway, along with the proposed works for the creation of the dropped kerb.

TRDC also has powers to install cycle parking under agency, but as there would be a S278 required for the construction of the dropped kerb, in the opinion of HCC it would be easiest to include the cycle parking within this S278 also. The Traffic Note mentions a Street Works Licence, this would be the equivalent of a minor S278 which is up to the discretion of our Development Management Implementation team to decide whether this is how the works are completed, but due to the size of works it is likely this would be used at the site. The plan which shows the proposed cycle stands also states there is an "existing waiting/parking bay to be converted to footway" however, this is not mentioned within the rest of the plans nor Transport Assessment. If these works are proposed, TRDC as the parking authority and authority for the TRO along High Street would have to approve of this removal of parking; and again, these works would be completed via S278.

Refuse and Waste Collection

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location. This is possible at the site as both the front and rear of the proposed restaurant is less than 25m from the edge of the highway.

Emergency Vehicle Access

In accordance with Manual for Streets Paragraph 6.7, the entirety of a building must be within 45m from the edge of the highway so an emergency vehicle can gain access. This is the case at this site, with all of the restaurant being within this 45m.

Conclusion

HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore, has no objections on highway grounds to this application.

5.1.3 TRDC Environmental Health – Initial Consultation: Objection

Odour Assessment

Based on the information provided by CDC Partnership within the submitted odour assessment we have no objections providing the proposed odour abatement measures and maintenance outlined within sections 7.0, 8.0 and 9.0 are implemented.

Noise Assessment

The Residential Environmental Health Team commissioned Watford Borough Council to review the noise assessment (project Ref 7902) by Acoustic Associates South West Ltd and a number of issues have been raised:

“After carefully reviewing the acoustic report for the planning application at 94-102 High Street Rickmansworth, the information provided is not sufficient and therefore prevents me from assessing the suitability of this proposal.

Plant noise

There are to be numerous plant, some of which will be located within a plant room whilst others will be located externally. Furthermore, some pieces of equipment will run continuously.

Although the second table in section 6 provides the predicted sound levels at the neighbouring residential receptors, there are no theoretical prediction calculations provided as figures illustrated were derived using modelling software. Unfortunately, utilising this approach prevents us from being able to scrutinise the data. Here at Watford, we insist that theoretical calculations are submitted and if provided, data derived from modelling software is only used to supplement these calculations.

There does not seem to be any penalty applied for impulsivity and/or tonality and I would require further clarity on how this conclusion was derived at. Particularly as condensers can have a strong tonality to them. After attending an event held by the Institute of Acoustics in c.2016 on this very topic it was shown that tonality can be present even where 1/3 octave band analysis indicates that it is not.

Noise from mopeds

Within section 3.3 of the report, there is mention of utilising the parameter LA_{max} to assess short-term impulsive noise. I agree with this approach as the ‘A’-weighted Equivalent Continuous Noise Level (LA_{eq}) might fail to capture the true impact of intermittent noise sources such as a moped starting up/ arriving and accelerating away.

Within section 7 of the report the sound parameter, Sound Exposure Level (SEL) has been used to assess moped noise. This parameter is based upon the ‘A’-weighted Equivalent Continuous Noise Level where sound pressure levels of time varying noise sources are compressed/ stretched into 1 second.

I acknowledge that other modes of transport are mentioned but it is the use of mopeds, most of which have noisier 2-stroke engines that is of particular concern.

Given the almost impulsive nature of delivery drivers particularly those on mopeds, I think it would be beneficial to capture the L_Amax of the mopeds entering and leaving. This would enable comparison against World Health Organisation guidance/ British Standard BS8233, particularly as there is mention of courier deliveries taking place up to 12.00am and from 6.00am. These times would be within the night time period when most people are trying to get to sleep or still be asleep leading to residents being kept awake or woken leading to a loss of amenity.

It has become common to see delivery couriers congregating around popular business such as this and so this impact needs to be considered as part of the application. This could also lead to the rear area along Northway becoming busier than it would have been otherwise.

Delivery noise

Within section 7.3, it mentions there are to be 3 deliveries per week to the store from 6.00pm to 12.00am. However, as a mitigation control the table in the executive summary states that deliveries will be limited from 6.00pm to 11.00pm. This needs clarification.

Next steps

Going forward this additional information/ clarification needs to be provided. Without this it is not possible for the local authority to assess the suitability of the scheme.

Within section 5, there is a photograph showing the monitoring location and it states that "Glandmore can be seen on the righthand side". I think this might possibly need to be corrected to the left-hand side.

Furthermore, clarification on refuse collections also needs to be provided.

Overall, without this information it is not possible to assess the suitability of the scheme and I recommend refusal.

Officer Comment: Following receipt of the above comments the applicant provided an Addendum to the Noise Impact Assessment dated 22nd October 2024.

5.1.4 Environment Health Officer - Second Consultation: Objection, further information required to make recommendation. The comments of the EHO are appended to this report at **Appendix A.**

5.1.5 Environment Health Officer - Third Consultation: No objection, subject to conditions:

After reviewing the addendum that was submitted as part of this application, and basing this response upon the information provided, the courier delivery noise at the rear along Northway should not lead to an adverse impact for nearby residents.

In my view, the main courier impact will be associated with early morning activity and so I welcome the revised opening times from 07.00 to 23.00. However, it is worth noting that the addendum reiterated what we were told by McDonalds at our meeting - early morning deliveries would be limited. The addendum gives a figure of 7 collections between 07.00 and 08.00 and has calculated the sound pressure level accordingly. If delivery numbers were to increase significantly at that time, there is a possibility of an eventual adverse impact. Ideally, I would have preferred the courier activity to be limited to 08.00 and 23.00 on Sundays in the event the deliveries went on to exceed predictions. However, if the estimations are correct then the proposal would be acceptable.

I recommend a condition that prohibits any courier collections until the works to the rear have been completed and allow delivery drivers to be accommodated.

5.1.6 TRDC Environmental Protection: No response received.

5.1.7 TRDC Local Plans Section: Comments received

The application seeks a change of use from Use Class E to a mixed use comprising of Use Classes E and Sui Generis for restaurant and takeaway and associated works.

The site forms part of the primary shopping frontage in Rickmansworth, a retail allocation (site ref: R(a)) in the Site Allocations LDD (2014). Policy PSP1 of the Core Strategy (adopted 2011) states that development in the Principal Town of Rickmansworth will maintain and enhance the vitality and viability of the town centre by promoting a range of town centre uses including housing, employment, shopping, leisure and community uses.

Policy SA4 of the Site Allocations LDD states that the loss of Class E(a) (previously class A1) retail uses will generally be resisted. However, Policy CP7 (of the Core Strategy) and Policy SA4 state that proposals for retail development, involving gains and/or losses, will be considered taking into account the accessibility of location, the impact on the viability and vitality of existing centres and the appropriateness of the type and scale of development.

The premises is currently vacant, therefore the change of use will lead to the re-opening of the vacant unit with a new and active use, which is likely to bring economic viability to the site and wider high street. The site of the application is in a central and highly accessible location, served by a range of transport modes. The development is utilising an existing building and as such the scale of development is considered appropriate. As such, the proposed change of use is considered to comply with Policy SA4 of the Site Allocations LDD and Policy CP7 of the Core Strategy.

With regards to amenity and pollution, Policy DM9 of the Development Management Policies LDD states that “the Council will refuse planning permission for development, including changes of use, which would or could give rise to polluting emissions to land, air and/or water by reason of disturbance, noise, light, smell, fumes, vibration, liquids, solids or other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained”. With regards to air quality Policy DM9 states “development will not be permitted where it would have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources”. With regards to noise pollution, DM9 states that development will not be permitted where it would have an adverse impact on the acoustic environment of existing or planned development, would have an unacceptable impact on countryside areas of tranquillity, or would be subject to unacceptable noise levels or disturbance from existing noise sources whether irregular or not. Reference is made to Appendix 4 of the Development Management Policies LDD (adopted July 2013) which sets out noise exposure categories for residential development.

5.1.8 Batchworth Community Council: No objection, concerns raised.

Batchworth Community Council (BCC) has no objection in principle to the change of use from Class E mixed use to Class E suis generis, nevertheless there are parts of the plan to which BCC strongly object to.

There are serious omissions of important details, and we therefore seek either refusal or deferment. By bringing our main points of concern to the attention of Three Rivers Officers and Councillors we hope that satisfactory mitigation measures and conditions will be adopted to make this application more acceptable and appropriate.

With reference to Plan P005B there are several changes that must be made. The proposed acoustic screen is shown merely as a dotted line indicating the height above the existing facade line. The screen will be clearly visible from the street. DM3C of the Local

Development plan states that design should preserve or enhance the character and appearance and use materials that are appropriate to the local context. This is a residential area and so noise abatement measures should also be applied to the rear of the building to protect residents on Northway, High Street and surrounding roads. Officers should insist that the specification of materials are aesthetic and suitable for use in the Conservation Area and that plans for the screening be submitted as a condition before approval. BCC requests to be included in this consultation.

The supporting statement document has been reviewed in detail. Page 9 section 3.14 proposes operation hours from 06.00 to 00.00. BCC objects to the excessive trading hours as currently there is no clear distinction between 'dine in' and take away /courier delivery hours which will have a major impact on residents on the High Street, Northway and surrounding roads. BCC strongly objects to operating hours of 06.00 to midnight especially if this will mean courier activity during those hours. We understand the logic of opening at 06.00 with commuter breakfasts in mind but cannot approve of courier activity so early. If allowed, it will mean the residents in the Conservation Area will be subjected to the constant noise of motor bikes almost every minute of an eighteen-hour day. (ref predicted 76 trips per hour). This is totally unacceptable and must not be allowed.

BCC proposes a condition that trading times should be 07.00 to 23.00 and that there should be no courier delivery/pickup activity before 08.00 and no later than 22.45. It should be noted that both Watford High Street and Ruislip branches close at 23.00.

The Transport Statement Document has also been reviewed extensively:

Page ten section 3.5 states- 'it is assumed subject to traffic regulations; courier activity could be expected from both the High Street and Northway'. BCC strongly objects to any courier activity for Mc Donald's from the High Street entrance.

Page eleven section 4.1.3 plans referenced P006C and P005B show clearly the access and parking areas for delivery motorcycles on Northway making the noise, air pollution and traffic congestion generated by courier access via the High Street unnecessary, inappropriate and unacceptable. The 'Take Away' business will inevitably lead to members of the public picking up orders from the High Street and as some courier operators use cars, we can only hope that problems identified in Mill End at Money Hill will not be replicated in Rickmansworth.

BCC seeks a strictly enforced condition that all courier trips are generated from and return to Northway avoiding the High St completely. This will ensure the safety of pedestrians and reduce noise and pollution nuisance for residents in relation to content in page twelve sections 4.1.7-4.1.13.

As a multi-national company, Mc Donald's have developed highly sophisticated logistics systems which benefits their efficiency and profitability but ultimately controls every aspect of the day to day running of every outlet. Their computer-generated delivery schedules which incorporate re- cycling pick up and general waste removal should not be allowed to dictate to TRDC what 'they' deem to be off peak times, as an eleven-metre vehicle at any time of day, loading and unloading on the High St, has the potential for disruption and to be a very big safety concern for pedestrians. Not only will there be deliveries 3 to 5 days a week, but there will also be a 9.6 metre waste removal vehicle 3 times a week. BCC objects to proposal 4.1.13 for goods delivery times of Monday to Friday 6.00am to 11.00pm and Saturday and Sunday 6.00pm to 11.00pm. BCC proposes 7.00am to 10.00am and 6pm to 8.00pm Monday to Friday and 8.00am to 10.00am Saturday and Sundays. These times are appropriate for protecting the residents' quality of life by minimising the noise and air pollution caused by heavy goods vehicles at anti-social hours.

BCC requests that a condition of approval should be that these times are set into Martin Brower's planning tool.

This is a multimillion-pound investment by a global brand in a small Hertfordshire town. The inevitable change this will bring to the character of the town and the demographic of potential visitors cannot be underestimated. It is our huge responsibility and our duty of care to ensure we do not lose control of our unique conservation areas and the quality-of-life Rickmansworth affords its residents.

BCC must be confident that Officers and Councillors due diligence will ensure that their decisions on these plans will not be cause for any regret in the future.

5.1.9 National Grid: No response received.

5.1.10 Conservation Officer: Comments received.

The property is located in the Rickmansworth Town Centre Conservation Area.

The proposed change of use would not raise an objection from a conservation perspective. There is a preference for the brick wall to be retained to the rear as this better relates to local vernacular. There are concerns regarding the proposed sliding doors and full height glazing; the opening mechanism of the door and the appearance of the glazing would undermine the traditional composition of the existing shopfront and therefore detract from the character and appearance of the Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 215 of the NPPF should be considered.

The proposal would introduce additional HVAC plant and acoustic screening to the roof; Based on the submitted information, there are concerns that the proposed acoustic screening would be visible from within the streetscene (above the parapet and within the gap between Number 102 and 104). If the acoustic screening is visible, then this would result in 'less than substantial' harm to the significance of the Conservation Area (paragraph 215 of the NPPF). Should additional information be forthcoming that demonstrates the screening would not be visible from the streetscene, there would be no further comments from a conservation perspective.

6 Public/Neighbour Consultation

6.1 Number consulted: 133

6.2 No of responses received: 52 objections, 45 letters of support.

6.3 Site Notice: Posted 31.05.2024 Expired 21.06.2024

6.3.1 Press notice: Published 07.06.2024 Expired 28.06.2024.

6.4 Summary of Responses:

6.4.1 Objections:

Environmental impacts

McDonald's will change the aura of the High Street and lower the areas tone; Increase in litter pollution in High Street and surrounding public spaces; Should be looking after environment; Should prevent extra waste being generated in Rickmansworth; More bins and waste collection would be required at the end of each day; Site in Pinner caused major littering problems; Will have negative impact on character of High Street; Increased disruption through noise levels; Disgraceful lack of sympathy to town of Rickmansworth, its history and ethos; It is inappropriate within the Conservation Area; Council should protect Conservation Area; McDonald's would harm to town's unique character; Bright yellow 'M' signage not in keeping with towns character; Proposed hours would produce significant noise pollution to local residents; Increase cooking smells detrimental to area; Undesirable early and late deliveries blocking roads, pavements, and refrigerated lorries running; Ruin

the natural characteristics of the High Street; Site in walking distance to Aquadrome risk of litter in public green space; Litter will provide breeding ground for vermin; Hours of trade are antisocial; Inconsistent with the local historical buildings and quaint village setting; Litter, waste and noise is not resolved properly; Risk to local wildlife; Impact on sewage network from grease traps which will not be cleared with any regularity.

Public safety and health risks

Too many unhealthy options on High Street; Not appropriate so close to school; Negative health implications; Serious detrimental impact on our children and teenagers' health; High Street will be cluttered and dangerous for pedestrians; Increase risk in obesity for residents; Increase in anti-social behaviour; Increase pressure on Police due to anti-social behaviour; Increase congregation of people outside premises which will be a nuisance; Site goes against good Planning Practice Guidance as per Public Health England due to its proximity to local secondary and primary schools; Should prevent unhealthy option within Rickmansworth; Fast foods increases risk of cancer, heart disease and early death; Irresponsible of council to approve in light of scientific information on health risks; Increased risk of accidents from delivery motorbikes; Application does not sufficiently address environmental considerations; Encourage loitering; Opening hours will make area a "no-go" area; Quality of life will be worsened; Increased levels of CO2 emissions from delivery trucks, cars and delivery bikes as well as long cooking hours; Would attract wrong type of customers from far afield; Odour pollution; Change in appearance of building not in keeping with locality; Potential for late night disturbances; Litter will be a problem as evident in Watford, Pinner and South Harrow

Economic impacts

Add extra costs for local residents to clean and police monitoring; Impact on existing businesses on High Street; Should explore other business ventures; Will do nothing to regenerate the ailing High Street; Large floorspace should not be wasted on McDonald's; High Street is already full of vape shops/sweet shop, Greggs, Wenzels and Creams; Council should be supporting and encouraging small/local businesses to open up to diversify the High Street; High Street has the potential to become a boutique/independent shopping destination like Old Amersham with continued investment and support of local businesses; Will become an extension of London with fast food outlets and vape shops; McDonald's will not help regenerate High Street; High Street has hit saturation for eateries and take-away food establishments; Premises will provide unfair competition for independent businesses of a similar nature; Use would not have a "negligible effect" on local area; Local business may not withstand competitive pressure from another large multinational chain; High Street is losing its identity to globalism; Other businesses can provide footfall and employment opportunities that McDonald's would bring

Traffic and Parking

No provision for parking for cars to quickly pull up, park and collect food; Cars will be parking badly as they do on Money Hill Parade; Deliveries to the front will cause congestion; No planned increase for parking resulting in kerbside parking on High Street and Northway to collect; High number of moped drivers for pick-up/delivery causing nuisance; Increase traffic volume in town centre which will be at odds with council's action plan on reducing carbon emissions; Area will not support number of delivery drivers that will use facility; Local area cannot support the number of out-of-area visitors who will use the facility; Rush hour at Ruislip McDonald's has 15-20 delivery drivers waiting outside in peak hours; Noise, congestion, increase pollution of waiting cars and mopeds will become a blight on the road; No detailed modelling of motorcycle noises in early and late hours of the day; Potential blocking of bus routes by poorly parked cars; High Street is narrow and crowded, motorcycles and delivery vehicles will obstruct pavements; HGV delivery vehicles will disrupt access for emergency vehicles, blue badge holders, buses and other delivery vehicles; Not enough parking for 60-cover restaurant; Significant number of arrivals and departures to McDonald's along Northway.

Other

Council should use local by-laws to block application; *Signage will look ugly in High Street*; No provision of toilet facilities for waiting drivers; *More suitable outside of Rickmansworth*; Proposed operating hours out of keeping with rest of the High Street; *Community hub or independent shop would be better proposal*; Not the type of restaurant to improve the area; *McDonald's is better suited to larger towns*; Should be provision of drive-thru near J17 of M25 rather than in Rickmansworth; *Moral responsibility to current and future generations*; Council has moral obligation not to grant permission to anything that will do harm; *Should approach other businesses to use vacant premises*; Value of properties are declining due to a historic town becoming cheap and unsightly; *McDonalds would signal quick decline of Rickmansworth Town*.

6.4.2 Supporting Comments

Pressing need for development of this empty unit which are detrimental to the High Street; *Will bring prosperity and growth as well as contributing to the delivery of a strong and vibrant community*; Rickmansworth is served by excellent public transport so increased parking pressures are overstated; *Be good to have a McDonald's more local*; Positive that pick-ups will be at the rear of premises; *Increased footfall to High Street would be benefit for other shops*; Good place for teenagers to visit with friends rather than having to go to Watford or Uxbridge; *Will bring much needed part-time employment for local teenagers*; Not everyone can pay the extortionate prices for coffee that some coffee shops charge; *McDonalds will be a great asset to the High Street*; No legitimate reasons to refuse planning permission; *Will utilise an otherwise vacant premises which currently has a negative impact on High Street*; Option to eat there is a choice not forced upon individuals; *Useful stop-off and meeting point*; Positive impact on the High Street; *Support so long as delivery drivers are not allowed to collect orders from the High Street*; Will bring life to the High Street; *Positive knock effects for other retail outlets in High Street*; Good to see more brands and reliable tenants opening on High Street; *High Street has lost too many shops in recent years*; Reduce need to travel further for McDonalds limiting car use and CO2 emissions; *Will provide a safe meeting place for youngsters*; Suggest introduction of CCTV surveillance at rear of premises; *About time Rickmansworth moved with the times*; Would be a betterment to the High Street; *Popular and affordable*; McDonalds does provide healthy options; *Will brighten up the High Street*; Need this sort of presence to start redevelopment of the High Street; *Commitment to provide three litter picks a day would be a positive*; Concerns and challenges are solvable; *Will show confidence in Rickmansworth's otherwise stuttering economy*; McDonalds is not solely responsible for the levels of obesity in the world.

7 **Reason for Delay**

- 7.1 Submission of further supporting information and additional consultation with Environmental Health Officer.

8 **Relevant Planning Policy, Guidance and Legislation**

8.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38 (6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

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

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

The Environment Act (2021)

8.2 National Planning Policy Framework and National Planning Practice Guidance

In 2024 the National Planning Policy Framework was updated. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

8.3 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP1, CP1, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM3, DM9, DM10, DM13 and Appendix 5.

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

TRDC has published a Decision Statement in respect of the Batchworth Neighbourhood Plan 2023-2038 (Submission Version) and on the basis that it is now proceeding to referendum in May 2025, in accordance with PPG significant weight can be given to the plan in Decision Making. Relevant policies include Policies CO4, CO7 and DE1 and Appendix 1 (Design Code).

8.4 Other

Rickmansworth Conservation Area Appraisal (1993).

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

National Planning Practice Guidance.

Healthy Weight Environments (HWE): Using the Planning System guidance and supplementary planning document (2020).

9 Planning Analysis

9.1 Principle of Development

- 9.1.1 The proposed development would replace an existing Class E(a) (Retail) unit into one mixed Class E(b) and Sui Generis (restaurant/takeaway) unit.
- 9.1.2 The site forms part of the Primary Shopping Frontage in Rickmansworth, a retail allocation referenced R(a) in the Site Allocations LDD (2014). Policy PSP1 of the Core Strategy (adopted 2011) states that development in the Principal Town of Rickmansworth will maintain and enhance the vitality and viability of the town centre by promoting a range of town centre uses including housing, employment, shopping, leisure and community uses.
- 9.1.3 Policy SA4 of the Site Allocations LDD states that the loss of Class E(a) (previously class A1) retail uses will generally be resisted. However, Policy CP7 of the Core Strategy and Policy SA4 state that proposals for retail development, involving gains and/or losses, will be considered taking into account the accessibility of location, the impact on the viability and vitality of existing centres and the appropriateness of the type and scale of development.
- 9.1.4 The NPPF 2024 promotes economic development and highlights the importance of retaining and enhancing existing town centres. Following the recent update to the NPPF paragraph 97 does however state that Local Planning Authorities should refuse applications for hot food takeaways and fast-food outlets:
- a) Within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or
 - b) In location where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social behaviour.
- 9.1.5 The application site is in a central and highly accessible location, served by a range of transport modes making it readily accessible. The premises, which is situated in a town centre location, is currently vacant and the supporting statement states that it has been so since 2023; therefore, the change of use will lead to the re-opening of the vacant unit with a new and active use, which is likely to bring economic viability to the site and wider High Street which currently contains four vacant premises (including the application premises). The mixed use of the premises as Class E(b) and Sui Generis would, it is considered to be a complimentary use that would attract footfall throughout the day, from early in the morning up to the evening, therefore promoting the vitality and viability of the High Street and potentially attracting new visitors or extending the stay of pre-existing visitors. In addition, the proposed use would also keep people in the High Street into the evening continuing an active street.
- 9.1.6 Officers note that there have been several objections with regards to the loss of a large retail unit and an alternative use should be sought for the site rather than a large restaurant and takeaway premises. However, it should be noted that following the coming into force of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 a number of use classes have been revoked and re-categorised within Class E to enable greater flexibility within our High Streets. The changes to the use classes order are aimed

at creating vibrant, mixed use town centres by allowing businesses greater freedom to change to a broader range of compatible uses. Therefore, the unit can be operated as a restaurant with an ancillary level of takeaway without the need for planning permission. However, this application seeks to provide flexibility to the unit, to allow for a higher level of takeaway, whilst also retaining a restaurant use.

- 9.1.7 Whilst the proposed development would fall under Sui Generis use class, it is considered that the proposed use would be compatible with the parade of shops along the High Street. Neighbour comments in relation to unhealthy takeaway uses that already exist and this proposal increasing the share of the High Street are noted; however, it is not considered that the proposed development would adversely affect the vitality or viability of the area. The High Street would retain a number of uses including retail shops, salons, cafés and pharmacies etc. The High Street would therefore continue to provide shops and services that would continue to meet the day-to-day needs of the residents of the surrounding area. Consequently, while the development would result in the loss of a Class E(a) retail unit and 290sqm of retail floorspace, it is considered that bringing back a vacant unit into use should generally be encouraged in order to provide a positive benefit to the High Street and the wider local economy. Another economic benefit would include the creation of 30 full-time and 90 part-time jobs for the local community. McDonald's are committed to providing employee education opportunities both via internal training programmes and externally recognised qualifications which will be a benefit for future employees.
- 9.1.8 In response to objections relating to unhealthy food choices for school children attending schools in the local area, the Healthy Weight Environments (HWE): Using the Planning System guidance and supplementary planning document (2020) makes reference throughout to guidance from National Institute for Health Care and Excellence (NICE) Public Health Guideline on 'Cardiovascular disease prevention' (2010) which recommends action to encourage local planning authorities to restrict planning permission for takeaways and other food retail outlets in specific areas (for example, within walking distance of schools). The HWE also refers to the Planning Practice Guidance (PPG) which supports actions, such as the use of exclusion zones, to limit the proliferation of certain unhealthy uses within specified areas such as proximity to schools and in areas of deprivation and high obesity prevalence. In this instance it is acknowledged that both St Joan of Arc Catholic School, Rickmansworth Park J.M.I School and Royal Masonic School for Girls are within a 1km radius of the site. The HWE also states that the single most common planning policy adopted to promote health by LPAs (33 in total) are takeaway food outlet exclusion zones around locations often frequented by children and families such as schools. TRDC currently do not have any such adopted policies; however, it is acknowledged that the application site would be outside the 400m exclusion zone recommended in the report of both schools. In summary, while the content of the HWE is acknowledged, the LPA do not consider there to be sufficient policy grounds to refuse the proposed development on this basis.
- 9.1.9 In addition to the above, Officers recognise that the introduction of a takeaway establishment may have an adverse effect on the amount of litter within the area, as referenced in the neighbour comments section (para. 6.4.1). The High Street is serviced by a number of public bins (one of which is located 20m from the sites shopfront) which are considered sufficient to serve the area with the inclusion of the proposed establishment. Furthermore, within the Supporting Statement prepared by Planware Ltd. dated May 2024, it sets out that McDonald's is committed to tackling litter in as many ways as possible and it is company policy to conduct a minimum of three daily litter patrols in local communities, whereby employees pick up not only McDonald's branded packaging, but also other litter that may have been discarded in a 150m vicinity of a restaurant. In addition, litter bins would also be provided within the restaurant and anti-littering signage are displayed within restaurants and on packaging to encourage customers to dispose of litter responsibly. In addition, McDonald's has launched a partnership with 'LitterLotto' as part of a long-term commitment to combat litter across the UK. This will allow customers to win prizes for disposing their litter and logging it through the 'LitterLotto' App.

- 9.1.10 Since the application was first put to the committee in December, a Litter Management Plan has been provided which will be applicable to the Rickmansworth premises. The management plan sets out that once the use is in Operation Managers will assess the local roads, footpaths and parks etc. at different times of the day and evening. Once an assessment of the needs to prevent the build-up of litter has been undertaken, a fluid approach would be taken dependent on the needs of the area and those which may require particular attention. The Litter Patrol Plan would be reviewed weekly for the first four weeks of trading and then every 6 months (or sooner if there is a major change). McDonald's have also confirmed that any litter collected on the High Street and within the 150m vicinity of the premises would be brought back to the store for waste disposal. A condition is recommended requiring the use be undertaken in accordance with the Litter Management Plan.
- 9.1.11 In respect of paragraph 97 of the NPPF, whilst the site is located within walking distance of schools, it is located within the designated town centre of Rickmansworth. It is noted that there are other fast-food premises along the High Street; however, it is not considered that there is a high concentration of such uses in the High Street and there is no evidence that the existing uses having an adverse impact on local health, pollution or anti-social behaviour. As a consequence, it is not considered that paragraph 97 of the updated NPPF is relevant in the assessment of this application.
- 9.1.12 Thus, having regard to the specific site circumstances the development would therefore comply with Policy SA4 of the Site Allocations Local Development Document, Policy PSP1 and Policy CP7 of the Core Strategy and the NPPF (2024), and there is no in principle objection to the change of use, subject to compliance with other material considerations expanded upon further below.

9.2 Design and impact on streetscene and Heritage Assets

- 9.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.
- 9.2.2 The application site is located within the Rickmansworth Town Centre Conservation Area. In relation to development proposals in Conservation Area Policy DM3 of the Development Management Policies LDD stipulates that development will only be permitted if it preserves or enhances the character of the area. Furthermore, it states that development should not harm important views into, out or within the Conservation Area. The council will only permit development proposals including solutions to shop front security and/or use of standardised shop front designs, fascias or advertisement displays in a Conservation Area if they:
- (i) Sympathetic to the character and appearance of the Conservation Area;
 - (ii) Respect the scale, proportions, character and materials of construction of the upper part of the building and adjoining buildings and the streetscene in general;
 - (iii) Incorporate traditional materials where the age and character of the building makes this appropriate.
- 9.2.3 Policy SA4 of the Site Allocations LDD (adopted 2014) stipulate that shop fronts and displays should be appropriate to the character and function of the area.
- 9.2.4 Policy CO7 of the Batchworth Neighbourhood Plan sets out that the design of any new development will need to respond positively to the defining characteristics of the area within which it is located and reflect the associated principles set out in the Neighbourhood Design Code that are applicable to that area. Proposals that create new employment opportunities

will be supported where their size, materials and design respects the immediate surrounding which they area to be located whilst enhancing the location to make it attractive for new businesses.

- 9.2.5 Policy DE1 of the Batchworth Neighbourhood Plan sets out that new development shall respond positively to guidance and principles established in the Batchworth Neighbourhood Design Codes including but not limited to materials and development frontages and proposals that depart from this will need justifying.
- 9.2.6 To clarify, a separate application for signage has been submitted under reference 24/0832/ADV. That application will assess the design and impact of the signage towards the character and appearance of the building, street scene and conservation area.
- 9.2.7 The High Street contains commercial units which use a range of building styles and materials. The Rickmansworth Conservation Area Appraisal (1993) states that only a small number of the buildings are listed for their special architectural or historic interest – the application building is not one of those listed. The nearest listed buildings are 133 High Street (Dental Centre) and 74 High Street (W.H. Smith). Nos. 104-108 are all locally important buildings located next to the application site and on the opposite side of the High Street unit. Nos 153-155 and units 163-169 are also locally important buildings.
- 9.2.8 As existing, the shop front is predominantly glazed with a dark grey coloured surround. It is proposed to relocate the entrance of the unit, so it sits more centrally within the shopfront, with glazing located either side. The dark grey exterior (RAL 7022) is to be retained with black (RAL 9005) framed fenestration. The existing brickwork at first-floor level and above is to be retained.
- 9.2.9 The Conservation Officer was informally consulted and the application and raised no objection to the principal of the proposed change of use. They raised concerns with the proposed sliding doors and full height glazing located within the principal elevation of the premises. In particular the opening mechanism of the door and the appearance of the glazing would undermine the traditional composition of the existing shopfront and consequently detract from the character and appearance of the Conservation Area. Officers sought amended plans the replace the sliding doors with swing doors; however, no amendments were received. The applicant stated that swing doors would have an impact on operations and would create difficulties in access for all customers (particularly those with special accessibility requirements. Whilst the Conservation Officer comments are noted, there are examples of a variety of entrance doors along the High Street including automatic sliding doors with full height glazing including those at 80A High Street (Wenzel's) and 135 High Street (Riverside Pharmacy) and the sliding doors as proposed would be set back from the pavement edge. For these reasons, whilst officers acknowledge the concerns of the Conservation Officer, it is considered that the use of the sliding doors in this instance would preserve the character of the building and wider conservation area.
- 9.2.10 Given the commercial nature of the premises and that the proposal includes the refurbishment of a currently vacant premises, it is not considered that the proposed works to the front elevation would detrimentally impact upon the building or wider Conservation Area. The modifications continue to ensure that the shop front is appropriate to the character of the High Street and would not impact on the listed buildings or locally important buildings in the vicinity. The modified rear wall of the building would have a similar appearance – dark grey render at ground floor and facing red-brickwork at first floor.
- 9.2.11 HVAC units are proposed on the roof of the building and would be set behind a 2m high acoustic screen. Given their elevated height and set back distance from the front elevation of the building the units it is not considered that they would be readily visible. Notwithstanding this, the Conservation Officer raised concerns with the potential visibility of the acoustic screening to the roof of the building and that it would be visible within the streetscene (above the parapet and within the gap between Number 102 and 104 High

Street). If the acoustic screening is visible, then this would result in 'less than substantial' harm to the significance of the Conservation Area with regards to paragraph 215 of the NPPF. They added that should additional information be forthcoming that demonstrates the screening would not be visible from the streetscene, there would be no further comments from a conservation perspective. As a such a condition, is attached requiring the submission details of the details of the material and appearance to ensure that it is appropriate for the character of the area.

9.2.12 Lastly, it was highlighted during the committee that there is a historic plaque located within the existing parapet wall within the principal elevation of the building. A request was made by Members if this plaque could be cleaned, and the applicant has confirmed their commitment to restoring this plaque as part of the works.

9.2.13 In conclusion, it is considered that the proposed materials and finishes are sympathetic to the streetscene, wider Conservation Area and would not impact on the setting of the nearby listed buildings and the development would be acceptable in accordance with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), Policy SA4 of the Site Allocations LDD (adopted 2014) and Policies CO4, CO7 and DE1 of the Batchworth Neighbourhood Plan (2023)

9.3 Impact on amenity of neighbours

9.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies LDD set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.

9.3.2 Paragraph 90 of the NPPF sets out that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Consequently, there is a balance to be struck between supporting the commercial success of individual businesses and protecting the living conditions of residents within the surrounding area. This is emphasised by Policy CP1 of the Core Strategy (adopted October 2011) which seeks to ensure that all development contributes to the sustainability of the District, by balancing the need to sustain the vitality and viability of centres whilst safeguarding residential amenity.

9.3.3 The application site is located on Rickmansworth High Street. There are no residential properties located directly above or beside the premises. To the east of the site is a Class E(a) restaurant 'Masala Bowl' and the west is a Class E hairdresser 'Louvere'. There are however residential properties located in the vicinity, located above the commercial units up and down the High Street – the closest being 153 High Street on south side of High Street (approx. 15m from site) and also flatted developments known as Penn Place located on the north side of Northway (approx. 20m); Swan Field House located to the east on Northway (approx. 45m) and Mallard Court on Station Road to the west (approx. 50m).

9.3.4 Given the nature of the works, it is not considered that the refurbishment works to the front and rear elevations of the existing building would detrimentally impact upon the occupiers of any surrounding residential or commercial premises.

9.3.5 With regards to amenity and pollution, Policy DM9 of the Development Management Policies LDD states that the council will refuse planning permission for development, including changes of uses, which would or could give rise to polluting emissions to land, air and/or water by reason of disturbance, noise, light smell, fumes, vibration liquids, solids or others (Including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained.

- 9.3.6 The application is supported by an Environmental Noise Assessment (ENA) dated 23rd May 2024, prepared by *Acoustic Associates SW Ltd* and an Odour Control Assessment (ODC) dated June 2024 prepared by *CDM Partnerships*. Following initial comments from the EHO an Addendum to the ENA dated 22nd October 2024 (Addendum 1) has been submitted by the applicant which has been supplemented by further details via email correspondence. Following the Planning Committee in December an second addendum (Addendum 2 – Courier Bikes) to the Noise Impact Assessment was prepared by *Acoustic Associates SW Ltd.* dated 20th February 2025 which focussed specifically on the potential impact from Courier Bikes.

Noise Impacts

- 9.3.7 Policy DM9 states that development will not be permitted where it would have an adverse impact on the acoustic environment of existing or planned development; would have an unacceptable impact on countryside areas of tranquillity; or would be subject to unacceptable noise levels or disturbance from existing noise sources whether irregular or not. Reference is made to Appendix 4 of the Development Management Policies LDD which sets out noise exposure categories for residential development.
- 9.3.8 Paragraph 198 of the NPPF sets out that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Operating Hours

- 9.3.9 With regards to the operating hours, the applicant was initially proposing to the open the new premises between 0600 to 0000 every day;; however following the December committee they have changed their proposal and now seek 0700 to 2300 every day. It is acknowledged that the proposed development would generate more early morning and evening trade than if it was operating as a retail unit and given the proximity of residential units, consideration needs to be given to the amenities of those surrounding residential units. The application site and proposal should be considered in the immediate local context of similar establishments in the High Street. Officers have had regard to other cafés, takeaways and restaurants within the High Street of which their operating hours are as follows (N.B. Only opening hours of those premises which open early in the morning considered relevant are provided):

Address	Permission Reference (if available)	Use (Name)	Opening & Closing Times		
			Mon-Fri	Saturday	Sunday & Bank Holiday
1 Odeon Parade	12/0441/FUL	Takeaway (Mangal Express)	23:00	23:00	22:00
80 High Street	21/1916/FUL	Café (Café Nero)	07:00-19:00	07:00-19:00	09:00-17:00
92 High Street	8/1221/88	Restaurant/Takeaway (Masala Bowl)	22:30 (Monday)	23:30	10:30-22:00

			Closed; 23:30 Fridays)		
115-117 High Street	95/0768	Drinking Establishment/Restaurant (The Pennsylvanian P.H.)	08:00-00:00 (01:00 Fridays)	08:00-01:00	08:00-22:30
131 High Street		Bakery/Takeaway (Greggs)	06:00 – 18:00*	06:00-18:00*	08:00-18:00*
147-149 High Street		Café (Starbucks)	07:00-18:00*	07:00-18:00*	08:00-17:00*
149-151 High Street		Café (Creams Café)	22:00 (23:00 Fridays) *	23:00*	23:00*
153 High Street		Café (Costa)	07:00-17:00*	07:00-17:00*	07:00-17:00*
173A High Street		Restaurant/Takeaway (Rasal)	22:00 (22:30 Fridays) *	22:30*	22:00*
4 Station Road		Restaurant/Takeaway (Tamarind)	22:00*	22:00*	Closed*
27 Station Road		Restaurant/Takeaway (Mexico Chinese Buffet)	22:00 (22:30 Fridays) *	22:30*	22:00*

* Opening and closing hours only as advertised online

- 9.3.10 Whilst the true levels of comings and goings associated with people visiting the premises, whether by foot or by car in the early mornings or late in the evening is currently unclear, given the size of the premises it is considered reasonable to protect the living conditions of nearby residents with regard to noise and disturbance. Officers recognise the High Street location of the application site; however, background noise levels are likely to be at their lowest in the early morning and late in the evening where residents would generally expect a degree of respite, despite the town centre location, which, in this location has minimal premises which are open into the evening. Furthermore, there are also parking bays located outside the premises so visiting customers could arrive as early as 6am during weekday trading and therefore noise arising from car doors opening and closing could lead to some disturbance.
- 9.3.11 With regards to early morning trade, whilst officers note that 131 High Street (Greggs) opens at 06:00 Monday to Saturdays, most of the early opening premises open an hour later at 07:00. Furthermore, 131 High Street is a smaller unit compared to the application site. Thus it is considered reasonable to restrict opening hours to bring it in line with other similar size units within the High Street that are of the same use class, are also open at this time and also have residential uses surrounding them which open 07:00 Monday to Saturday and 08:00 on Sundays (Café Nero, Starbucks and Costa). In addition, there are no known issues specifically relating to the operation of these similar units opening at 07:00.
- 9.3.12 In assessment of evening operating hours, regard is had to the refused application 12/1069/FUL in respect of 1 Odeon Parade which operates a sui Generis use as a takeaway known as 'Mangal Express' similar the proposal. The application proposed to extend the opening hours of the premises to midnight on Fridays and 22:30 Sundays. In dismissing the subsequent appeal (PINS Ref: APP/P1940/A/12/2184700/NWF LPA Ref: 12/0041/REF) the Inspector commented:
- "...given the relationship between the premises (1 Odeon Parade) and residential uses nearby, and in the absence of information relating to levels of activity in this part of the town centre late at night, I am concerned that these later opening hours would materially impact on the living conditions of nearby residents, through increased noise and disturbance. The additional times sought would be at a time when residents would expect reasonable peace and quiet, even taking into account the town centre location."*
- 9.3.13 When considering the comments of the Inspector, the application site is located more centrally within the High Street, where it is only the adjoining site Masala Bowl (92 High Street) which operates into the evening when all nearby units are closed; however, this adjoining restaurant is not open on Mondays and closes at 22:30 Tuesday-Thursday, 23:30 Fridays and Saturdays and closes earlier on Sundays at 22:00.

- 9.3.14 Through the new use, it is likely that during evening times customers would come and go on a staggered basis as would be expected from the proposed use. Furthermore, there is some concern with visiting customers congregating outside and vehicular movements all when background levels are likely to be lower, even for a high street location. It is therefore suggested to restrict opening hours until 23:00 Monday to Saturday and 22:00 on Sundays and Bank Holidays to align it with these surrounding premises in order to limit the disturbance to surrounding neighbouring properties.
- 9.3.15 In conclusion, factoring in the proposed use, size of the premises, the context of this part of the High Street relative to surrounding neighbouring properties and the absence of night-time uses, it is suggested to restrict the operating hours for the premises to 07:00 – 23:00 Monday to Saturday and 08:00 – 22:00 on Sundays and Bank Holidays.
- 9.3.16 A condition is also suggested to restrict rear access so that it is only used by staff and couriers or in the case of an emergency to prevent visiting customers visiting or exiting the rear to further reduce disturbance towards neighbouring properties.

McDelivery

- 9.3.17 The submitted Transport Statement prepared by ADL Traffic & Highways dated May 2024 (Ref: ADL/CC/5889/20A) states that McDelivery covers an area up to 1.5mile radius from the store. Regards to the courier delivery hours, the applicant is proposing that they are to be undertaken between 0600 to 0000 every day to reflect their proposed opening hours.
- 9.3.18 Deliveries are undertaken by Uber Eats or Just Eat couriers who are predominantly on motorcycles. Customers of McDelivery use the App on a smartphone or tablet to place their order. Once the customer has placed the order via the App, the order is received at the McDonald's restaurant which is auto-accepted and a courier is dispatched to the restaurant. The restaurant is alerted when the courier is 3 minutes from the store and preparation of the order commences. The store is notified when courier has arrived and the courier will park at the rear and walk down to the collection point and the order is handed to courier for delivery. Only one order is taken per delivery by the courier and couriers are rated on their arrival and delivery times – therefore an incentive is for the couriers to have a low duration of stay. The statement sets out that it is expected that the whole procedure would take 5 minutes (including time to park vehicle, walk to entrance, collect the food, return to the vehicle and leave the site). Courier parking for mopeds/motorcycles would be provided within the re-configured rear area of application site. If a courier arrives in a car, there are eleven parking spaces located opposite the site on Northway with loading bays located further east along Northway.
- 9.3.19 The Transport Assessment contains data provided by McDonald's on the hourly transactions for three comparable town centre restaurants (Walton on Thames (No.149) 4/5 High Street, KT12 1DG, Palmers Green (No.1086) 286 Green Lanes, N13 5TU and Southgate No.31) 31/33 Chase Side, N14 5BP).
- 9.3.20 The supporting assessment sets out that Fridays and Saturdays are typically the busiest trading days for McDonald's and thus the data provided was from Friday 26th January 2024 and Saturday 27th January 2024 and records the number of transactions by customers and couriers. The average transactions for the three restaurants have been taken as the expected trip generation for Rickmansworth. The full tables can be found on page 15 of the Transport Assessment; it demonstrates that during the weekday PM peak (17:00 to 18:00) the restaurant is expected to generate the following:
- 24 pedestrian trips
 - 24 customer vehicle trips
 - 76 courier trips
 - 100 total vehicle trips

- 9.3.21 During Saturday peak (18:00 to 19:00) it is expected that the restaurant would generate the following:
- 25 pedestrian trips
 - 24 customer vehicle trips
 - 70 courier vehicle trips
 - 94 total vehicle trips
- 9.3.22 Officers note the expected trip generation above, however, this data is a predication based on three premises which officers consider are not locations representative of Rickmansworth. It is noted there are no other McDonald's branches within a 6.5km radius of the Walton-on-Thames site which is similar to the proposed store (the nearest store to Rickmansworth is the Watford Town Centre 5.7km away) and the both the Palmers Green and Southgate branches are two of four located within a 6km area. Unlike the proposed site these three sites are located in much larger built-up towns, either on the outskirts or within the city of London serving a denser population within their catchment areas. As a consequence, whilst the predicted trip generation is a useful guide the true level of the activity relating to the proposed store is unknown until the use is in operation.
- 9.3.23 It is the impact of the courier deliveries which are of most importance, as all other customer trips will utilise to the surrounding local car parks or park on the High Street. The site is located within a town centre location where there already is some degree of background noise throughout the day particularly on weekends and around the peak hours but it is in the early morning and later evening when things are quieter within the town centre that the impact of the courier traffic within Northway would be heightened. A full complete restriction on the store preventing any courier deliveries being made is an option; however, in doing so it would impact on the viability of the business and the attractiveness for McDonald's to take up the vacant unit, so this has not been considered as an option.
- 9.3.24 Having regard to the presence of residential development within the vicinity of the premises, given the town centre located residents will generally be expected to tolerate some degree of noise and disturbance during peak hours, but in the early morning and late evening when background levels are reduced some respite would undoubtedly be expected. In addition, the courier parking area is open and not enclosed and the use will inevitably result in higher number of vehicles which slow down on arrival and speed up when leaving.
- 9.3.25 For courier deliveries, it is accepted that the vehicles to be used for this purpose are likely to vary from push bikes, cars, electric bikes, 2-stroke and 4 stroke engines of various cubic capacity. Addendum 2 (Courier Bikes) sets out that it is assumed 95% of deliveries will be by petrol power scooter.
- 9.3.26 Within Addendum 2 it sets out that typically, riders will use modern, usually leased four stroke 125cc or 250cc scooters, the most popular of which is at present the Yamaha Nmax. Officers note that the assessment uses terms such as "now tend to be quiet" but this cannot be 100% confirmed until the use is operational. Furthermore, McDonald's have no control over which bikes are used by third party courier drivers. A recent survey was undertaken at McDonald's Delivery Hub (Unit 4 Burlington Business Park, Plymouth, PL5 3LX) with the sound of bikes coming and going from the Hub recorded. It was found that arrival and depart sound levels were very similar.
- 9.3.27 Addendum 2 sets out the level of noise created by the courier bikes and based on the predicted number of deliveries made, hour by hour at the closest overlooking windows – Penn Place. McDonald's will be busiest across the tea-time hours of 5 to 7pm, but numbers first thing and last thing will be much lower.
- 9.3.28 The predicted courier levels listed at 9.3.20 and 9.3.21 above have been compared with existing traffic noise levels within the Town Centre and considered in absolute terms as well. A survey was carried out over the weekend of Friday & Saturday 24th & 25th January

2025, overlooking Northway. A sound meter was fixed to a boom and hung over the rear of the building. A number of criterion have been used in this assessment, BS41423, BS8233 as well as the guidance values from World Health Organisation (WHO) and Institute of Environmental Management and Assessment (IEMA).

- 9.3.29 The BS4142 assessment revealed that, the rated level from the courier bikes will only exceed the background sound level during peak hours, and then by no more than 2dB, and at all other times will be equal or less than the background. From this it can be concluded that their operation will have a low impact.
- 9.3.30 The IEMA provides a framework for understanding the significant increases in sound levels, with increases up to 3 dB being considered to have only a minor impact. This report shows that the bikes will at worst increase current sound levels (LAeq) by 1 dB during the tea-time peak and this is rated as being of “negligible” significance.
- 9.3.31 The contribution from the courier bikes alone will better the internal noise criteria set out in BS8233 and the contribution in terms of LAmax, will be below the threshold for the onset of any sleep disturbance set out in the WHO Guidelines for Community Noise.
- 9.3.32 It was therefore concluded in the Addendum 2 that noise from the proposed delivery operation, when assessed against all the available pertinent Standards, although at times discernible, will meet National Planning Policy objectives and will not have an adverse impact on the neighbours.
- 9.3.33 The Environmental Health Officer was reconsulted and following a review they concluded, based upon the information provided, the courier delivery noise at the rear along Northway should not lead to an adverse impact for nearby residents. In their view, the main courier impact will be associated with early morning activity
- 9.3.34 The EHO considered the main courier impact will be associated with early morning activity which would be mitigated with the revised opening times from 07.00 to 23.00. The EHO noted the addendum that early morning deliveries would be limited with a figure of 7 collections between 07.00 and 08.00 being estimated and has calculated the sound pressure level accordingly. The EHO highlighted that if delivery numbers were to increase significantly at that time, there is a possibility of an eventual adverse impact and therefore held a preference for courier deliveries to be limited to 08.00 and 23.00 on Sundays in the event the deliveries went on to exceed predictions. The EHO subsequently raised no objection, subject to a condition that prohibits any courier collections until the works to the rear have been completed and allow delivery drivers to be accommodated.
- 9.3.35 With regards to management of courier delivery drivers, additional details were provided setting out that courier drivers earn money from collecting the delivery and departing immediately so they should not be congregating at the premises. The parking for the mopeds is within McDonald’s control so would be managed by the Business Manager. The Business Manager will be responsible for monitoring McDelivery drivers and directing them to the designated loading areas. There is also an expectation that couriers will become familiar with the restaurant and parking arrangements as they make repeated visits. Signage will be provided which will encourage McDelivery drivers to leave the premises quietly and respectful manner to minimise any noise and disturbance. In addition, the restaurant can log complaints with the delivery providers in the event that any drivers are not complying with McDonald’s expected parking activity and behaviour which would be investigated by the delivery provider.
- 9.3.36 Thus, when considering the site circumstances and the potential impacts of the proposal, officers consider that imposing a condition restricting courier deliveries to be undertaken from the rear of the premises only and between the hours of 08:00 to 23:00 Monday to Sundays including Bank Holidays would provide a suitable balance between allowing McDonald’s to operate a courier service and protecting the amenities of those surrounding

residential properties. This would also allow the council to monitor the site and allows McDonald's the opportunity to collate true data of courier deliveries of the store which could inform any subsequent planning application to vary the hours of operation.

- 9.3.37 Consideration was also given to attach a condition which would limit the number of motorbikes on site to six and the use of an electric motorbike to be used for deliveries. However, both these conditions would not be reasonable or enforceable when considering Paragraph 55 of the NPPF. Firstly, if the LPA were to agree on limits to the number of motorbikes within the bounds of the application site (within the control of the applicant), there is nothing to stop those online delivery platforms arriving to take orders but simply park on Northway, immediately outside the application site and adjacent residential properties given the limited space outside. Secondly, the use of electric bikes would also be hard to enforce as those arriving via online platforms may not be electric and the applicant would have no control. Consequently, the conditions would fail the required tests as set out within the PPG and therefore would not be reasonable or enforceable.
- 9.3.38 Lastly, a request was raised by Members during the planning committee in December that consideration be given to the incorporation of soft closing doors to the rear courier entrance to further minimise any disturbance to local residents. The applicant has confirmed that McDonald's that proposed doors would all have soft closures fitted.

Store Deliveries

- 9.3.39 The application site is located within an active High Street within which some of the existing premises receive regular deliveries. The submitted Transport Statement details that deliveries to the store would be undertaken by McDonald's sole distributor Martin Brower. All distributor vehicles utilise multi-temperature vehicles, which allows all of the restaurant's requirements for; frozen, chilled and ambient products to be delivered in one visit – reducing the number of deliveries each restaurant receives. Typically, restaurants received 3-5 deliveries per week and those deliveries are made whilst the restaurants are open. The submitted ENA states that the restaurant is likely to require three deliveries per week. Martin Brower uses a computerised system which enables requirements of delivery destinations to be set and ensures they are complied with. The restaurant is allocated a 2-hour delivery slot, and the delivery is planned within this.
- 9.3.40 It was originally proposed with the submitted statement that deliveries would only be scheduled to occur between 18:00-23:00 every day (subject to High Street Permit for Saturdays and Sundays). The applicant was informed that part of the High Street is subject to a Traffic Regulation Order (The Hertfordshire (High Street, Rickmansworth) (Pedestrian and Cycle Zone) Order 2024) which closes the High Street to vehicular traffic between 10:00 Saturday to 06:00 Monday.
- 9.3.41 Store deliveries would be to the front of the store. There are loading bays on the High Street – one of which is located directly in front of the application site. Cages would be pushed along the pavements and enter into the store from the front and taken upstairs via an internal lift. This is considered an acceptable arrangement but a condition is suggested to require store deliveries to be made from the High Street and limit the delivery times to the site between the hours of 08:00 to 22:00 Mondays to Fridays and not at all on Saturdays, Sundays or Bank or Public Holidays. The suggested hours are considered reasonable and would limit the disturbance to surrounding neighbouring properties.

HVAC/Plant Equipment

- 9.3.42 Moving on to the HVAC and plant equipment, these units are either located internally within a plant room or on the roof of the building. Notwithstanding this, it is important to consider the potential noise impacts for the units as some pieces of equipment will run continuously.

- 9.3.43 The Environmental Health Officer was consulted on the application and considered the information contained within the document to be insufficient to scrutinise the data and enable an informed assessment of the impacts of the plant equipment and, as a consequence, raised an objection to the application. The applicant was given the opportunity to respond and subsequently provided an addendum to the ENA dated 22nd October 2024.
- 9.3.44 The supporting addendum shows that the proposed plant would not give rise to unacceptable levels of noise and or disturbance when considering the existing daytime, evening background noise levels of the High Street and the proposed mitigation measures which are to be provided to the front and side of the roof of the building. No mitigation was provided at the rear given the separation distances between the equipment and Penn Place on the opposite side of Northway. The EHO required further clarification on the location of the plant and upon review was satisfied with the calculations and results contained with the ENA and addendum.
- 9.3.45 **Air Quality**
- 9.3.46 With regards to air quality Policy DM9 states that development will not be permitted where it could have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.
- 9.3.47 The application site is located within a town centre location with potential sensitive receptors in the form of residential properties generally in the surrounding streets and buildings. Objections were received during the consultation process in respect of cooking smells. Whilst it is virtually impossible to completely eliminate cooking smells entirely, the issue can be adequately mitigated by a condition requiring approval of extraction, filtering and high-level venting of kitchens.
- 9.3.48 The ODC details that an assessment was conducted using the EMAQ+ (formerly DEFRA) style Odour Risk Assessment method which outlined that in this situation a 'High' level of odour control is recommended as defined in the EMAQ+ Guide. The air extracted from the kitchen at this premises will be discharged vertically via a single high velocity terminal located at least 1m above the highest point of the building. Appropriate mitigation can be achieved to protect the amenity of nearby receptors, and the proposed grease and odour control measures meet the requirements of the 'High' classification control band.
- 9.3.49 The Environmental Health Officer reviewed the submitted ODC and based on the information provided by CDC Partnership, they raised no objections providing that the odour abatement measures, and maintenance outlined within the report are implemented. These measures include Hikatch Canopy grease baffle filters, electrostatic precipitation (ESP) filters followed by ozone injection and activation dwell duct and regular servicing, cleaning and replacement of equipment. A suitably worded condition is suggested to ensure the equipment is installed before the use commences and the development is implemented in accordance with recommendations of the Odour Control Assessment.
- 9.3.50 Overall, subject to conditions, the proposed development is not considered to result in unacceptable adverse impacts on neighbouring properties and is acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 and Appendix 2 and 4 of the Development Management Policies document (adopted July 2013).

9.4 Highways & Access

- 9.4.1 Policy CP10 of the Core Strategy states that all development proposals should be designed and located to minimise the impacts of travel by motor vehicle on the District. It further states in particular, major development will be expected to be located in areas of highly accessible

by the most sustainable modes of transport, and to people of all abilities in a socially inclusive and safe manner.

- 9.4.2 Paragraphs 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 117 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 9.4.3 The application is supported by a Transport Statement prepared by ADL Traffic & Highways Engineering Ltd. dated May 2024. Amended plan 8712-SA-2318-P004 D and a supplementary Traffic Note 5889-01 were provided following initial comments from the Highway Authority reducing the size of the dropped kerb from 8.3m to 3m providing details of visibility splays for the access; adjusting the size of the motorcycle/moped parking spaces to 2.5m x 1.5m.
- 9.4.4 The application proposes to create a dropped kerb access from Northway into the site for use by mopeds and cycles acting as delivery vehicles. The amended width of the dropped kerb (3m) was considered a more suitable size by the Highway Authority than originally proposed as the dropped kerb will only be used by two wheeled vehicles. Furthermore, it would ensure that pedestrian movements are maintained as a priority along Northway. In addition, the proposed visibility splays for the access (2m x 25m) are considered suitable given the speed of the route and that mopeds and bicycles are to be the only vehicles to use the access.
- 9.4.5 Hertfordshire County Council as Highway Authority were consulted in relation to the proposed development. They considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. From the data which has been presented from McDonald's and TRICS, it is concluded that 85% of trips to the site will be linked trips rather than new. For clarification, linked trips refer to the natural tendency of a consumer to visit other stores after fulfilling their main shopping need. Of the new trips, the vehicular trips to the site itself would be mopeds acting as couriers using the proposed parking area located at the rear of the site, as there is no car parking within the site. There are some parking bays to the front of the premises which can be used during the week but there is a TRO (Traffic Regulation Order (The Hertfordshire (High Street, Rickmansworth) (Pedestrian and Cycle Zone) Order 2024) prevents vehicles from using High Street between 10:00 Saturday to 06:00 Monday. Therefore, HCC considered that the trip generation of the proposed restaurant would not have a severe impact upon the flow of the nearby highway.
- 9.4.6 The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. Therefore, HCC raised no objections on highway grounds to the application, subject to the inclusion of a condition ensuring the works to access are undertaken prior to the first use of the development.
- 9.4.7 The application site is located in an area where there is no off-street parking and limited space for storage of materials. As such, it is considered appropriate to attach a condition requiring the submission of a Construction Management Plan prior to the commencement of the development. The CMP shall include details pertaining to contractor parking, storage of materials, method of demolition of the rear part of the building so as to minimise impact on users of the surrounding highway and footways by foot, bike or motor vehicle.
- 9.4.8 In conclusion, the proposed development is considered acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

9.5 Parking

- 9.5.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.
- 9.5.2 Appendix 5 of the Development Management Policies LDD states that there should be 1 off street parking space per 3 square metres of public floor space plus 3 spaces per 4 employees. There is approximately 80sqm. of public floor space within the premises (23sqm. of queuing space and 57sqm of dining space) which would require 26.6 off-street car parking spaces, with further 56.25 spaces required for employees. However, Appendix 5 of the Development Management Policies document also advises that the standards for car parking may be adjusted reflecting site accessibility. The application site is in zone 2 which corresponds to provision of 25-50% of the indicative standard, resulting in a requirement for 41.5 spaces.
- 9.5.3 The application site includes motorcycle parking for six vehicles to the which the information submitted with the application advises would provide courier parking. The size of these spaces meets the size standards of HCC's Place and Movement Planning and Design Guidance (PMPDG) and are acceptable in this regard. Two bicycle spaces are provided within the site allocated for staff parking. The supporting information details that the applicant could provide three new Sheffield Stands to provide some additional cycle parking for customers and existing town centre visitors; however, HCC raised no objection to these works but noted that a S278 Agreement would be required and also consent from TRDC as the parking authority given that the stands would result in the loss of the off-street parking space on Northway. Thus, the provision of these stands are not taken into consideration. There is no other parking available within the application site and there would therefore be a shortfall of 39.5 spaces against standards.
- 9.5.4 As a result of the town centre location, the site is within an accessible location and there is parking available to the front of the site and along the High Street (20 min stays 8:30-6:30 Monday to Saturday no return within the hour). The site is also within walking distance of several public car parks and has the benefit of local transport links, including the Rickmansworth Train Station and local bus stops. The proximity of the site to residential properties also lends itself to customers arriving on foot.
- 9.5.5 Furthermore, the nature of a takeaway would fall within the category of 'convenience' and therefore any visitors by car, or otherwise, are likely to be making short visits with a high turnaround of vehicles.
- 9.5.6 Therefore, although the premises would not provide off-street parking to meet the requirements of Appendix 5 of the Development Management Policies LDD, it is considered that there would be sufficient parking available in the vicinity of the site and there are no objections to the proposed change of use on parking or highway grounds in accordance with Core Strategy Policy CP10 and Policy DM13 and Appendix 5 of the Development Management Policies LDD.
- 9.6 Refuse and Recycling
- 9.6.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
 - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
 - iii) There would be no obstruction of pedestrian, cyclists or driver site lines

- 9.6.2 The Supporting Statement details that McDonald's utilise a building management control system with specifically engineered reduction strategies to maximise operating efficiencies and utilising sustainable packaging. McDonald's UK has a long-term goal to send zero waste to landfill by reducing operational waster, recycling as much as possible, and diverting the remainder to a more sustainable solution. Delivery vehicles carry recyclable materials on return trips and cooking oils from restaurants is recycled into biodiesel using local collectors.
- 9.6.3 Refuse collection would be collected by a private contractor using a 9.6m refuse vehicle, three times per week and would occur outside of peak hours. Service vehicles also collect empty delivery trays and crates which are returned to suppliers for reuse. It is expected that refuse collection, like main deliveries, would also occur from High Street during permitted loading times. The Environmental Health Officer advised that similar time restrictions to those imposed for store deliveries should apply to refuse collection - Monday to Friday 07:00 to 23:00 to minimise against noise and disturbance to surrounding neighbouring properties. A condition has been recommended to that effect.
- 9.6.4 As such, the development is acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).
- 9.7 Wildlife and Biodiversity
- 9.7.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 9.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.
- 9.8 Trees and Landscaping
- 9.8.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 9.8.2 The application site is located within a Conservation Area, although there are no trees within the application site. As such, the proposal is considered acceptable in this regard.
- 9.9 Mandatory Biodiversity Net Gain
- 9.9.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

- 9.9.2 The application form states that development is subject to the 'de minimis' exemption as the development is below the threshold by reason that the proposal results in no change to the footprint of the building and therefore it the development is not impacting on 25sq.m of grassland or 5 linear metres of hedgerow. As a consequence, there is no requirement for biodiversity net gain for this development.
- 9.10 Security/CCTV provision
- 9.10.1 Policy CP1 of the Core Strategy states that development should promote buildings and public spaces of a high enduring design quality that respects local distinctiveness, is accessible to all and reduces opportunities for crime and anti-social behaviour.
- 9.10.2 McDonald's install CCTV throughout their restaurants as standard. It has been confirmed that at this store, this will include the rear parking area for couriers and at the front entrance. However, they are limited in respect of external CCTV because of public space monitoring regulations, around GDPR. Nevertheless, the council has recently installed two new CCTV cameras which cover the High Street. As such, it is considered that adequate surveillance would be provided internally and externally and would accord with Policy CP1 of the Core Strategy (adopted October 2011).
- 9.11 Conclusion & Planning Balance
- 9.11.1 When considering Paragraph 47 of the NPPF the LPA have considered carefully as to whether it can grant planning permission to support the applicant by imposing conditions.
- 9.11.2 It has been identified that the proposed development is likely to result in an increase in the number of comings and goings of members of the public and courier deliveries resulting in some degree of noise impact and this is unavoidable. However, it is difficult to predict the true level of the impact of the courier deliveries visiting arriving and departing the rear of the site until the change of use is implemented and has been in operation. The town centre location is where such commercial uses are generally located where there already is some degree of background noise throughout the day; however, it is acknowledged that in the evenings where things generally quieten down, the impact of any noise and disturbance particularly from visiting customers and courier deliveries would be heightened. Following the submission of Addendum 2 (Courier Bikes), the Environmental Health Officer was able to reach a recommendation concluding that there would not being an adverse impact from the courier deliveries subject to conditions and was satisfied that the application could be recommended for approval. Based on the additional information provided and the specialist advice received by the EHO officers, has resulted in an increase to the hours for courier deliveries in comparison to the previous recommendations put forward by the Officers under consideration at December Planning Committee.
- 9.11.3 In consideration of the potential benefits in the event that planning permission is granted, the proposed development would utilise a vacant premises and the design and alterations to the building would enhance the visual amenity of the building resulting in a betterment to the High Street and the heritage asset. The proposal will introduce additional choice in the market which in turn would enhance the viability and vitality of Rickmansworth High Street. Furthermore, the proposal represents a multi-million-pound investment creating both jobs during the construction and operation phase, resulting in many associated economic benefits to the local area. The proposal would provide over 120 jobs for the community which will bring training opportunities for those employees enabling those to progress their careers within McDonald's.
- 9.11.4 In consideration of whether planning permission should be granted on a temporary period, this would limit the attractiveness of occupying the vacant premises by McDonald's and would likely result in them not proceeding. This would result in the loss of the benefits detailed above that would arise from the proposed development, with the unit remaining vacant.

- 9.11.5 As a consequence, it is recommended that planning permission is granted for the change of use with suggested conditions imposed restricting both the operating hours and the hours courier collection/delivery. A grant of planning permission with the suggested imposed restrictions will enable both the council and McDonald's to monitor how the store operates and collate true data on its courier deliveries and the level of impact that arises. This can inform any subsequent application should there be an intent from McDonald's to apply to vary conditions at a later date.

10 Recommendation

- 10.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

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

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

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

8712-SA-2318-P002A - Existing Block Plan

8712-SA-2318-P004 D - Site Layout Plan as Proposed

8712-SA-2318-P005 C - Existing & Proposed Elevations

8712-SA-2318-P006 C - General Arrangement Ground Floor

8712-SA-2318-P007 C - General Arrangement Plan First Floor

8712-SA-2318-P008 D - General Arrangement Plan Roof

8712-SA-2318-P009 D - Site Signage Plan as Proposed

8712-SA-2318-P010 D - Elevations – Signage

8712-SA-2318-P023 - As Existing Plan Ground Floor

8712-SA-2318-P024 - As Existing Plan First Floor

8712-SA-2318-P025 - As Existing Roof Plan

9483 M1010 D - HVAC & Services Plant Feasibility Plans

9483 M1011 D - HVAC & Services Plant Feasibility Sections & Details

Reason: For the avoidance of doubt, in the proper interests of planning, to safeguard the character and appearance of the Conservation Area, street scene and wider area, to protect the residential amenities of the neighbouring properties and in accordance with Policies PSP2, CP1, CP6, CP7, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM3, DM6, DM9, DM10, DM13 and Appendices 4 and 5 of the Development Management Policies LDD (adopted July 2013), Policy SA4 of the Site Allocations LDD (adopted November 2014) and the Rickmansworth Conservation Area Appraisal (1993).

- C3 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. parking of vehicles of site operatives and visitors
- ii. method of demolition of rear of the building
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. measures to control the emission of dust and dirt during construction

- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. Details of any temporary refuse and recycling collection arrangements which ensure refuse and recycling collection access are available to all occupied properties at each stage of the works.

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the first use of the development hereby permitted, the vehicular access shall be completed and thereafter retained as shown on drawing number 8712-SA-2318-P004 D in accordance with details/specifications submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water 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 CP10 of the Core Strategy (adopted October 2011).

- C5 Prior to the first use of the development hereby permitted, the space for parking bicycles and motorcycles shall be provided in accordance with the approved drawing no 8712-SA-2318-P004 D. The parking areas shall be permanently retained thereafter solely by staff and couriers collecting orders and not for customer parking whatsoever.

Reason: In order to ensure bicycle and motorcycle parking facilities are provided and to safeguard neighbouring amenity in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM9, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C6 Prior to the first use of the development hereby permitted, a management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following:
- a. How courier delivery vehicles arriving on site and store delivery vehicles are managed to ensure engines are switched off when stationary and prevention of couriers congregating at rear of premises waiting for deliveries.
 - b. Details of the franchisee or best direct point of contact for the premises and notify the local planning authority of any subsequent change thereafter.

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

- C7 Prior to the first use of the development hereby permitted, the proposed courier entrance point to the rear of the unit in association with a takeaway delivery service at the premises shall be set up, used and operated only in accordance with the layout as shown on the approved plans.

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

- C8 Prior to the first use of the development hereby permitted, details of the material and appearance of the mitigation acoustic screening indicated on plan shall be submitted to and approved in writing by the Local Planning Authority.
- Prior to the first use of the extraction and ventilation equipment, the details as approved in writing shall be implemented in accordance with the agreed details and in accordance with plan numbers 9483 M1010D, 9483 M1011D and 8712-SA-2318-P008D and maintained thereafter.
- Reason: To safeguard the character and appearance of the Conservation Area in accordance with Policy DM3 of the Development Management Policies LDD (adopted July 2013) and the Rickmansworth Conservation Area Appraisal (1993).
- C9 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- C10 The use hereby permitted shall not be open to the public other than between the hours of 07:00 to 23:00 Monday to Saturday (inclusive) and 08:00 to 22:00 Sundays and Bank Holidays.
- Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).
- C11 Any courier pick-up in association with a takeaway delivery service at the premises shall only be carried out between 08:00 to 23:00 Monday to Sunday including Bank Holidays.
- Reason: To protect the amenities of occupiers of nearby residential dwellings in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD.
- C12 No courier pick-up in association with a takeaway delivery service at the premises shall take place from High Street (front entrance) and shall all be directed to the rear, entering the site from Northway in accordance with condition 6 above.
- Reason: To protect the amenities of occupiers of nearby residential dwellings in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD.
- C13 Deliveries to the premises (excluding those associated with courier pick-up in association with the takeaway delivery service) and private refuse collection hereby permitted shall only be carried out between 08:00 to 22:00 hours Monday to Friday (inclusive) and not at all on weekends or Bank Holidays.
- Reason: To protect the amenities of occupiers of nearby residential dwellings in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD.
- C14 The extraction and ventilation system hereby permitted shall be installed in accordance with the details shown on drawing nos. 9483 M1010D, 9483 M1011D and 8712-SA-2318-P008D and permanently maintained in this condition thereafter.
- Reason: To protect the amenities of occupiers of nearby residential dwellings in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD.

- C15 The rear access of the premises shall only be used by staff, courier delivery collection or in the event of an emergency to prevent patrons leaving the restaurant via the rear access.

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

- C16 The proposed use shall be implemented and maintained in full accordance with the submitted Litter Management Plan accompanying the application.

Reason: In the interests of amenity or the area is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM10 and Appendix 2 of the Development Management Policies document (adopted July 2013).

11 Informatives

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

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

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

(a) Making a Non-Material Amendment

(b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community

Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 15 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 16 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the

interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

- 17 Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
- 18 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development below the de minimis threshold, meaning development which:

- a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The

Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

APPENDIX A – ENVIRONMENTAL HEALTH COMMENTS

Good xxxxx

Hope you are well.

After reviewing the revised report I am not completely satisfied that all of our main concerns have yet been fully addressed.

Noise from couriers delivering from the restaurant to customers.

Although the site is located within the town centre, to the rear are a block of flats as shown in the following picture from Google Streetview. This indicates a high number of potential receptors.



Whilst the revised report includes additional information on these types of deliveries, I do not consider the potential impacts have been fully evaluated and therefore question how they can be adequately controlled to prevent a loss of amenity to local residents.

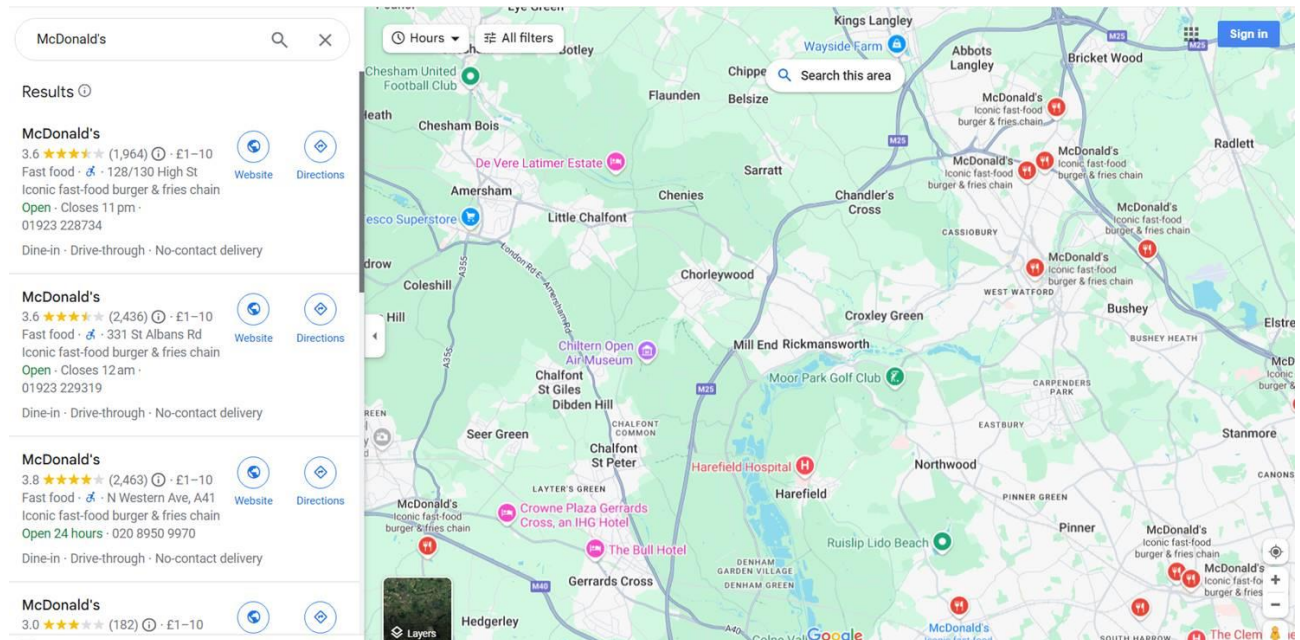
It is important to stress that none of the standards or guidance we use to assess potential impacts impose a criteria of inaudibility and in no way is something we are able to require. Instead, it is essential that the potential impacts are fully assessed so that suitable control measures can be implemented to protect amenity whilst allowing the business to operate unhindered.

Whilst I welcome attempts to quantify the impacts I do not think the report has enough detail.

I appreciate that the vehicles to be used for this purpose are likely to vary from push bikes, cars, electric bikes, 2-stroke and 4 stroke engines of various cubic capacity.

I think a reasonable and suitable assessment would need to consider all these but within the report the overall collated data seems to have been given as a mean figure and so it is not possible to understand the potential impact from each. Having this information could have assisted greatly for example, allowing us to consider if deliveries could only be made by electric powered scooters or those with 4 stroke engines with at least a 250cc engine. Therefore, this information is critical to determine suitability and is an essential component of an appropriate assessment.

As shown in the following map, this would be the only McDonalds restaurant in the locality and so the likelihood of it being busy is high. This could lead to delivery drivers congregating at that location and so it is essential that this potential impact is considered and suitable controls are implemented, for example, restricting delivery times or changing the pick-up location.



Within the report there is a parameter given as L_{EA} but I assume this is meant to refer to the sound exposure level where it is commonly expressed as L_{AE} . I have assessed the report with this assumption.

The report mentions that the vehicles did not have any tonal characteristics but I struggle to understand how this is possible as I have never come across an internal combustion engine vehicle that did not have some degree of tonality. Furthermore, I am wary of utilising 1/1 octave band data to come to that conclusion.

Within section 4.4 and section 4.5, if I understood correctly, it seems that the sound power level was derived from the sound pressure level and then this was used to determine the sound pressure level at the nearest receptor. If I understand correctly, the equation for this is stated in the report as,

$$L_{A_{max}} + 20(\log 5m)$$

However, I would expect the following to be used,

$$\text{Measurement at location 2, receptor} = \text{Measurement at location 1} - 20\log(R2/R1)$$

This would mean that $20\log(20m/5m)$ would equate to a further attenuation of 12dB. Therefore, utilising the figure of the scooter arriving at 71dB(A) at 5 metres, at 20 metres with a further 12dB attenuation this would reduce to 59dB(A) and adding a façade correction of 2.5dB would equate to 61dB(A) 1 metre from the window.

A further attenuation of 15dB through the window, is likely to equate to an internal level of approximately 45dB(A). This is a lot higher than the 38dB(A) within the report.

Overall, there is not enough data to determine the accuracy of the information provided.

Going forward, if courier deliveries are going to be an integral part of this business an appropriate assessment needs to be made. The following additional information will need to be provided.

- A photograph showing the exact location of the delivery/ pick up area. I have assumed that the collection will involve parking on the highway and not crossing onto private land. Therefore, keeping this noise out of scope of British Standard BS4142.
- An outline on how the collection system will function.
 - Using online platforms or own employees to make deliveries.
- A breakdown of the typical vehicles that are likely to be used. I expect this to include a 50cc, 125cc and 250cc and a diesel/ petrol car.
- Provide noise measurements for each of these.
- Also include the time of arrival starting from the moment the vehicle is heard arriving if not already parked.
- How long the vehicle is left running when arriving.
- How long the driver has to wait for the food item requiring delivery – also state whether the driver need to go inside to collect or will a staff member bring the order to them.
- Time of departure along with sound level.
- Include a subjective assessment on the noise environment throughout the process including before the arrival and departure of the driver.
- Comment upon any uncertainty.
- Where levels are likely to be exceeded, what control measures could be implemented, for example, only permitting drivers to utilise quiet modes of transport such as electric bikes at certain times of the day.
- How the congregation of drivers will be prevented.

Noise from the delivery of supplies to the restaurant.

The report confirms that it is intended that deliveries will only be permitted 6.00am to 11.00pm. However, there is no mention of where these deliveries will take place and a delivery time of 6.00am is likely to give rise to noise complaints from a loss of amenity to residents. I would recommend that if planning permission were granted that unless the applicant can demonstrate how noise would be effectively controlled that deliveries ought to be restricted to the following, Monday to Friday 7.00am to 11.00pm and Saturday, Sundays and Bank Holiday from 8.00am to 11.00pm.

Refuse collections.

The above time restrictions also need to be applied here - Monday to Friday 7.00am to 11.00pm and Saturday, Sundays and Bank Holiday from 8.00am to 11.00pm.

Plant noise.

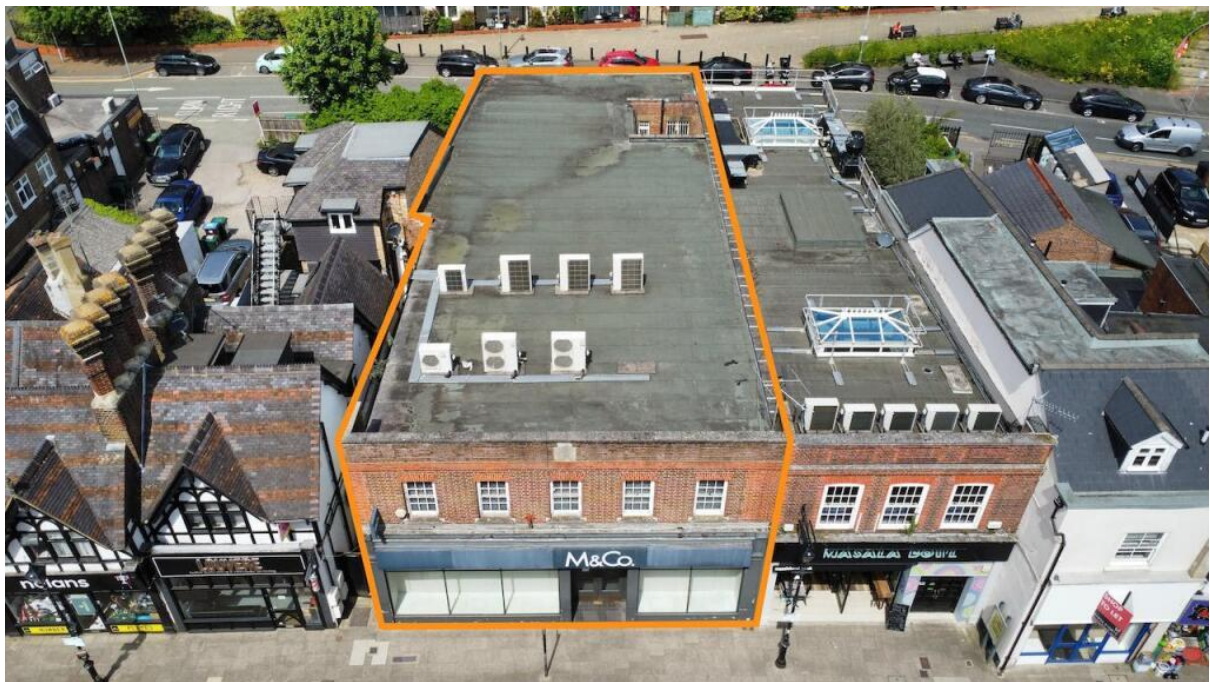
There is no plan showing the exact location of the plant on the roof. This needs to be provided so that I am able to review the calculations provided.

Overall, I do not consider there is enough information to assess the suitability of the scheme and recommend refusal.

Yours sincerely,

[Name Redacted]

Senior Environmental Health Officer







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PLANNING COMMITTEE – THURSDAY 17TH APRIL 2025

24/0832/ADV – Advertisement Consent: Installation of 1 no. acrylic white externally illuminated "McDonald's" letterset, 1 no. yellow vinyl "Golden Arch" applied externally to glazing, 1 no. externally illuminated projection sign, 6 no. parking signs and 1 no. railing sign at 94 – 102 High Street, Rickmansworth, Hertfordshire, WD3 1AQ

Parish: Batchworth Community Council
Expiry of Statutory Period: 04.09.2024
(Extension of Time: 24.04.2025)

Ward: Rickmansworth Town
Case Officer: Scott Volker

Recommendation: That ADVERTISEMENT CONSENT IS GRANTED subject to conditions as set out at section 8 below.

Reason for consideration by the Committee: Called-in by the Chair of the Planning Committee so the site can be considered comprehensively in conjunction with application 24/0829/FUL for the change of use.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SE4Q0AQFJYD00>

1 Committee Update

- 1.1 This application was considered by the Planning Committee on 12 December 2024 to be considered alongside application 24/0829/FUL which proposed the change of use of the building. Given that the Committee had resolved to defer the related full planning application to obtain further information, this advertisement consent application was also deferred so that the two applications could be considered together at a future meeting.
- 1.2 Matters that were discussed by the Planning Committee which are addressed within the report include the following:
 - Hours of illumination could be conditioned.
 - No other signage should be permitted on the glazing
- 1.3 The comments of the Conservation Officer which were received shortly before the publication of the report ahead of the Planning Committee held on 12 December 2024 are included within this report.

2 Relevant Planning History

- 2.1 24/0829/FUL – Change of use from Class E to Mixed Use for restaurant and takeaway (Class E and Sui Generis); addition of HVAC plant, provision of vehicular access from Northway accommodating motorcycle and cycle parking with associated works – Pending Consideration.

3 Description of Application Site

- 3.1 The application site contains a two-storey flat roofed commercial unit located on the northern side of the High Street, Rickmansworth. The host building is currently vacant but was previously in use as a clothing retail unit known as M&Co. until 2023
- 3.2 The host building is located within the Primary Retail Frontage of Rickmansworth Town Centre which runs along both sides of the High Street and is located within the Rickmansworth Conservation Area. An M&Co advertisement remains on the fascia of the building despite its vacant nature.

- 3.3 The application site is principally accessed from High Street but does benefit from a side and rear stair access into the building. No vehicular access or drop kerb exists at the rear onto Northway.
- 3.4 To the north of Northway behind the application site is Penn Place which is a residential flatted development. Adjacent to the site on the High Street is a restaurant known as 'Masala Bowl' and a hairdresser 'Louvere', and on the opposite side of the road are 'Starbucks and 'Creams Café'. The High Street itself is generally flat but the land rises gradually to the north such that Northway and the development beyond is set on a high land level than the High Street.

4 Description of Proposed Development

- 4.1 The application is seeking advertisement consent for the following advertisements and signage:
- 1 no. acrylic white "McDonald's" letterset to the front fascia
 - 1 no. yellow vinyl "Golden Arch" applied externally to glazing to High Street facing window
 - 1 no. projection sign to front elevation
 - 6 no. parking signs
 - 1 railing sign
- 4.2 The proposed "McDonald's" letterset would measure 5.2m in width, 100mm in depth (protruding from the sign) and 300mm in height. The letterset would be externally illuminated from the top down. It would be located above the main entrance door within the front façade.
- 4.3 The yellow vinyl "Golden Arch" would be a translucent feature rather than a solid yellow colour as indicated on the plans. An example of such a sign is appended to this report at **Appendix A**.
- 4.4 The projecting sign would measure 600mm x 600mm, projecting a total of 710mm from the front facing façade of the building and would contain a single "Golden Arch" symbol. It would be externally illuminated from the top down.
- 4.5 The remaining signage would be located to the rear of the unit affixed to the rear wall and would comprise aluminium signs with applied vinyl graphics. These would all be non-illuminated. The 1 'McDelivery Partners Please Go Down The Stairs' sign would measure 620mm in height and 550mm in width. The 6 'McDelivery Partners Parking' signs would measure 700mm in height and 280mm in width.
- 4.6 During the course of the application, amended plans were submitted and the original description of the proposal was altered. A summary of the changes can be seen below:
- The height size of the letterset for the "McDonald's" was reduced from 575mm to 300mm.
 - Internal illumination of the "McDonalds" letterset removed and external illumination now proposed.

5 Consultation

5.1 Statutory Consultation

5.1.1 Batchworth Community Council: Concerns raised.

BCC recognises that whilst the treatment of the glazing on the High Street facade may be necessary for immediate visual brand recognition, the actual overall size, the full height of the arch design is overwhelming and not appropriate in the Conservation Area.

BCC request that officers enter a dialogue with the applicant to reduce the size and create a more subtle form of brand design and colour for the fenestration

5.1.2 Hertfordshire County Council – Highway Authority: No objection

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

Highway Informatives

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

Projecting signs: Notwithstanding any consent issued under the Town and Country Planning Act, a licence issued under the provisions of Section 177 of the Highways Act 1980 is required prior to the erection of any part of the projection or overhang into or over the public highway. Further information is available via the County Council's website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/oversail-licence-to-overhang-a-structure-on-a-public-road.aspx>

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/business-licences/business-licences.aspx>.

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/business-licences/business-licences.aspx>

Comments / Analysis

None of the proposed signage is located on the highway to the front (High Street) or rear (Northway) of the site.

There is a proposed overhanging sign which is higher than the normally recommended minimum vertical clearance of 2.3m above a footway and therefore the proposals are acceptable in this respect.

Guidance on illuminated signage and advertisements is set out in the Institution of Lighting Professionals publication 'Professional Lighting Guide 05: Brightness of Illuminated Advertisements (PLG05)'. Table 4 sets out recommended levels of luminance by illuminated area and environmental zone. For environmental zones E3, (medium district brightness, e.g., small town centres or suburban locations), Table 4 indicates a maximum recommended value of luminance on the surface of an advertisement of 600cd/m² for an illuminated area of up to 10m² and 300cd/m² for an illuminated area over 10m².

The proposed plans indicate a maximum illumination of 600cd/m2. for the proposed projection sign and frontage letters, whilst the remaining signage is not illuminated.

HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore has no objections on highway grounds to the application, subject to the inclusion of the above highway informatives.

5.1.3 Conservation Officer – [Objection]

The property is located in the Rickmansworth Town Centre Conservation Area.

*The proposed shop front would be similar to the existing shop front. However, there are some concerns regarding the proposed sliding doors and the large vinyl lettering. The full height glazing, and the opening mechanism of the door would undermine the traditional composition of the existing shopfront and therefore detract from the character and appearance of the Conservation Area. **I acknowledge that the golden arch vinyl would be semi-transparent, but it would add visual clutter to the streetscene and would be an untraditional feature of the shop front.***

The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be considered. With regards to the National Planning Policy Framework the level of harm is considered to be 'less than substantial' as per paragraph 208.

Officer comment: The Conservation Officer has referenced other works which are subject to planning application 24/0829/FUL. Only the advertisements are assessed as part of this application.

6 **Public/Neighbour Consultation**

6.1 Site Notice: Posted 10.06.2024 Expired 01.07.2024.

6.1.1 Press notice: Published 14.06.2024 Expired 05.07.2024.

6.2 Number consulted: 29

6.3 No of responses received: 7 objections, 1 letter of support.

6.4 Summary of Responses:

- Rickmansworth would be spoilt by introduction of McDonald's on High Street
- Detrimental impact on health on children and teenagers
- Restaurant will not be in keeping with character of the High Street
- Increase in litter
- Conservation areas McDonald's have previously toned down their finishes with silver façade and signage with no red or yellow.
- Signage needs to be discreet
- Signage designed to entice children
- Goes against Herts 4-year healthy eating plan
- Moral hazard not in keeping with the characteristic High Street
- Council has a duty to strictly enforce signage regulations in the conservation area
- Inappropriate to area, waste and damage to local environment
- Traditional, non-illuminated signage should be used.

Officer comment: Local planning authorities can only control advertisements, when it is justified, in the interests of "amenity" and "public safety". Certain comments received are therefore not relevant and are more related to the planning application 24/0829/FUL.

7 Reason for Delay

- 7.1 Brought to committee at the same time as application 24/029/FUL for the proposed change of use so the site can be comprehensively considered. Application deferred.

8 Relevant Planning Policy, Guidance and Legislation

8.1 Legislation

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

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

- 8.1.3 The Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

8.2 Development Plan Policy/ Local and National Planning Guidance

8.2.1 National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2023 NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

8.2.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

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

The Development Management Policies Local Development Document (LDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM3 and DM9.

TRDC has published a Decision Statement in respect of the Batchworth Neighbourhood Plan 2023-2038 (Submission Version) and on the basis that it is now proceeding to referendum in May 2025, in accordance with PPG significant weight can be given to the plan in Decision Making. Relevant policies include Policies CO4, DE1 and Appendix 1 (Design Code).

9 Planning Analysis

9.1 Advert Regulations

- 9.1.1 Outdoor advertisements are within the scope of the control regime specified by the Secretary of State in the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).
- 9.1.2 This regime enables local planning authorities to control advertisements, when it is justified, in the interests of "amenity" and "public safety".
- 9.1.3 Amenity is not defined in the Regulations, although it includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality and the presence of any feature of historic, architectural, cultural or similar interest.
- 9.1.4 Paragraph 141 of the National Planning Policy Framework advises the quality and character of places can suffer when advertisements are poorly sited and designed. It also advises that advertisements should be subject to control only in the interests of amenity and public safety.

9.2 Design and Impact on the Streetscene and Heritage Assets ("Impact on Amenity" – Part 1)

- 9.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.
- 9.2.2 The application site is located within the Rickmansworth Town Centre Conservation Area. In relation to development proposals in Conservation Area Policy DM3 of the Development Management Policies LDD stipulates that development will only be permitted if it preserves or enhances the character of the area. Furthermore, it states that development should not harm important views into, out or within the Conservation Area. *The council will only permit development proposals including solutions to shop front security and/or use of standardised shop front designs, fascias or advertisement displays in a Conservation Area if they:*
 - (i) *Sympathetic to the character and appearance of the Conservation Area;*
 - (ii) *Respect the scale, proportions, character and materials of construction of the upper part of the building and adjoining buildings and the streetscene in general;*
 - (iii) *Incorporate traditional materials where the age and character of the building makes this appropriate.*
- 9.2.3 Policy DM3 outlines that generally totally internally illuminated fascias or projecting signs will not be permitted. The council will also not support applications for additional signs that would result in a proliferation of, and excess amount of, advertisement material on any individual building or group of buildings.
- 9.2.4 The Rickmansworth Town Conservation Area Appraisal (1994) states that only a small number of the buildings within the High Street are listed for the special architectural or historic interest – the application building is not one of those listed. The nearest listed buildings are 133 High Street (Dental Centre) and 74 High Street (W.H. Smith). 104-108 are all locally important buildings located next to the application site and on the opposite side of the High Street unit 153-155 and units 163-169 are also locally important buildings.

- 9.2.5 Policy CO7 of the Batchworth Neighbourhood Plan sets out that the design of any new development will need to respond positively to the defining characteristics of the area within which it is located and reflect the associated principles set out in the Neighbourhood Design Code that are applicable to that area. Proposals that create new employment opportunities will be supported where their size, materials and design respects the immediate surrounding which they area to be located whilst enhancing the location to make it attractive for new businesses.
- 9.2.6 Policy DE1 of the Batchworth Neighbourhood Plan sets out that new development shall respond positively to guidance and principles established in the Batchworth Neighbourhood Design Codes including but not limited to materials and development frontages and proposals that depart from this will need justifying.
- 9.2.7 The Conservation Officer was consulted and whilst they held no objections to the principle of the adverts and signage, they raised concerns with the internal illumination of the projecting sign and letterset and advised that if illumination is required, it should be external.
- 9.2.8 Amended plans were received during the course of the application process to reduce the height of the letterset to 300mm given the historic character of the High Street and to bring the letterset in line with other similar lettersets evident in the High Street such as 131 High Street (Greggs).
- 9.2.9 The proposed amended signage (fascia and projecting sign) would be acrylic and would be similar to existing signage within the wider streetscene and conservation area and as such would not appear out of character. Whilst Policy DM3 outlines that generally projecting signs may not be permitted, given the relatively minimal scale of the projecting sign and that there are numerous examples of similar projecting signs in the immediate vicinity some with external illumination, it is not considered that the proposed projecting sign would appear as an incongruous addition. The amended plans would therefore overcome the concerns raised.
- 9.2.10 The signage at the rear would all be small scale and non-illuminated and be set off the public highway such that they would not be readily visible or prominent in this part of Northway.
- 9.2.11 The Conservation Officer also raised concerns with regards to the large golden vinyl lettering within the shopfront. They acknowledged that the golden arch vinyl would be semi-transparent, but it would add visual clutter to the streetscene and would be an untraditional feature of the shopfront. Amended plans were sought to amend the vinyl display however, none were received. Whilst these comments are noted, the High Street contains commercial buildings where there are other examples of vinyl letter and images within the shopfronts of premises. As such, it is not considered that the inclusion of the golden vinyl lettering would result in demonstrable harm to amenity, when considering the variety nature of the advertisements across the High Street, largely given the significant scope to display advertisements under deemed consent (those automatically granted advertisement consent from the Regulations).
- 9.2.12 Policy DM3 sets out that the Council will preserve the District's Listed Buildings and will only support applications where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment. Given the commercial nature of the premises, the limited scale of the signage and that similar signage is located in the immediate vicinity, it is not considered that the proposed signage would detrimentally impact upon the setting of the nearby Listed Buildings or Locally Important Buildings (Non designated heritage assets).
- 9.2.13 The proposed amended signage when read against other commercial buildings within the streetscene would appear appropriate and sympathetic and would not harm amenity. Whilst a condition could be attached restricting the display of further adverts within shopfront this

would be inconsistent with other business along the High Street which change their displays furthermore Schedule 1, Class I of the Town and Country (Control of Advertisements) Regulations (2007) grants deemed consent CLASS I for advertisements displayed inside a building so long as they are not illuminated and not within 1 metre of any external door, window or other opening, through which it is visible from outside the building. As such, it is not considered that a condition restricting further display of adverts would be reasonable.

9.2.14 A condition is attached restricting the hours of illumination of the advertisements to be on only during opening times of the premises.

9.2.15 In conclusion, subject to condition, the advertisements would be considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), the Rickmansworth Town Centre Conservation Area and Character Appraisal (1994), Policies CO7 and DE1 of the Batchworth Neighbourhood Plan (November 2023) and the NPPF (2024).

9.3 Impact on Neighbours (“Impact on Amenity” – Part 2)

9.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM9 seeks to ensure that there is no unacceptable adverse impact on neighbouring or nearby properties as a result of lighting proposals.

9.3.2 The proposed alterations would not significantly alter the appearance of the building relative to the existing arrangement. The scheme has been amended to remove the illumination of the fascia and projecting signs and as such there are no concerns with regards to impacts to the amenity of the occupiers of any nearby residential or commercial properties.

9.3.3 Overall, it is not considered that the amended proposal would be imposing on any neighbouring residential dwellings or would result in an adverse impact on neighbouring residents which would harm their amenity. The development would be acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

9.4 Highways Impacts

9.4.1 The Town and Country Planning (Control of Advertisement) Regulations 2007 (as amended) seeks to assess the impact on public safety.

9.4.2 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking.

9.4.3 The proposed signage would be set inside of the application site on the commercial premises. Given the location and scale of the proposed signage and its non-illuminance, it is not considered that the proposed signage would pose an obstruction to pedestrians or drivers.

9.4.4 It is not considered that the proposed advertising signage would result in any demonstrable harm to public safety in accordance with the Town and Country Planning (Control of Advertisement) Regulations 2007 (as amended) and CP10 of the Core Strategy (Adopted October 2011).

10 **Recommendation**

10.1 **That ADVERTISEMENT CONSENT BE GRANTED for that has been applied for and subject to the following standard condition:**

- C1 1] The period of the validity of this permission is for five years commencing from the date of the decision notice.
- 2] No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 3] No advertisement shall be sited or displayed so as to;
- (a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 4] Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- 5] Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 6] Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended) and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

- C2 The sign(s) permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

Reason: In the interests of visual amenity and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

Informatives:

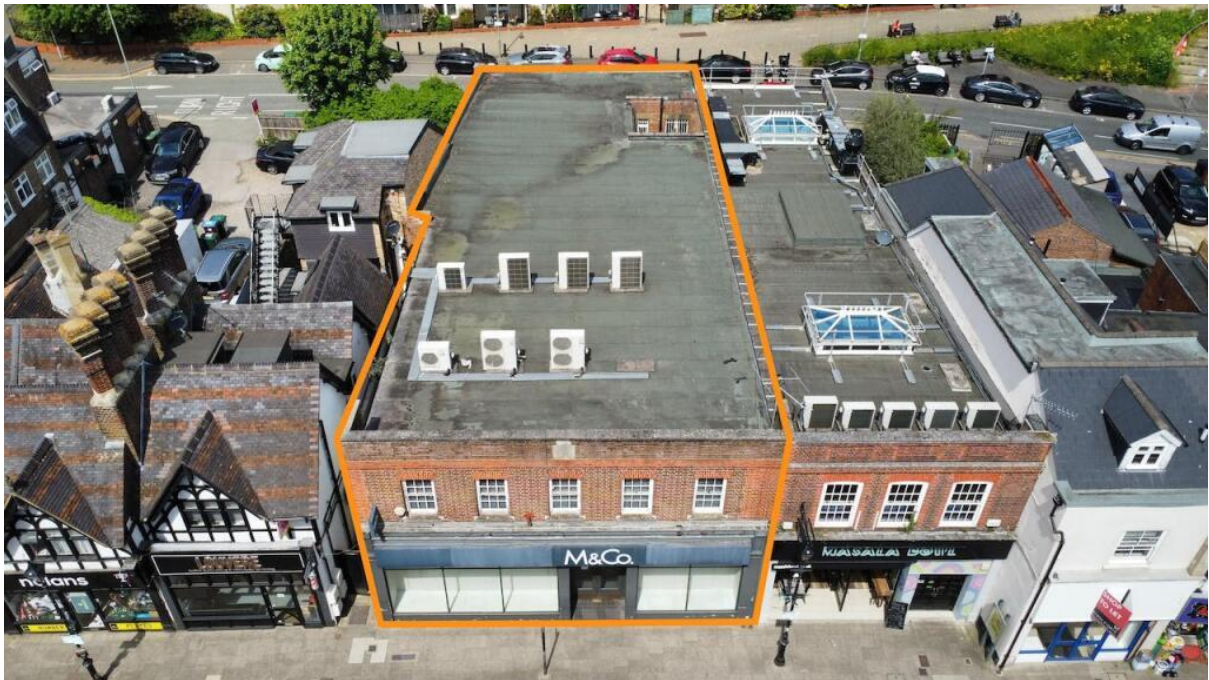
- 11 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 12 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- 13 Storage of Materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 14 Obstruction of Highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further

information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

- 15 Debris and deposits on the Highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Appendix A – Example of “Golden Arch” at an alternative store







PLANNING COMMITTEE – THURSDAY 17TH APRIL 2025

24/1384/RSP – Part Retrospective: Change of use of land to provide for 11no. pitches for residential purposes together with the formation of hardstanding and erection of a dayroom building at Little Liz, Old House Lane, Kings Langley, WD4 8RS

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 12.11.2024
(Extension of Time: 25.04.2025)

Ward: Gade Valley
Case Officer: Scott Volker

Recommendation: That subject to no new material considerations being raised and following the expiration of the consultation period (25 April 2025), the decision be delegated to the Head of Regulatory Services to grant part-retrospective planning permission, subject to conditions.

Reason for consideration by the Committee: Called-in by three Members of the Planning Committee due to the Green Belt location.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SJ0XKPQFL1X00>

1 Relevant Planning History

- 1.1 11/0725/FUL - Use of land for the stationing of caravans for residential purposes for 2 no. gypsy pitches together with the formation of additional hard standing and utility/ dayroom ancillary to that use. Refused for the following reason:
- R1: The change of use of the land to create two gypsy pitches constitutes inappropriate development in the Metropolitan Green Belt. No very special circumstances have been demonstrated to overcome the presumption against inappropriate development in the Metropolitan Green Belt. Furthermore the siting of caravans on this site, with associated urbanising development, fails to preserve the openness and rural character of the Metropolitan Green Belt and character and amenities of the locality, to the detriment of the visual amenities of the area. This is contrary to PPG2, Policy GB1 of the Three Rivers Local Plan 1996-2011 and Policies CP1, CP5, CP11 and CP12 of the Core Strategy Submission Version / Proposed Changes (February and July 2011).*
- 1.2 Temporary planning permission permitting the use of the site for four caravans of which no more than two should be static caravans up until July 2015 was subsequently allowed on appeal: APP/P1940/A/11/2160486 and APP/P1940/C/11/2164949 (relating to Enforcement Case 10/0439/COMP). In considering the resultant appeal, the Inspector determined that the personal circumstances of the appellant, in conjunction with the general level of unmet need in Three Rivers, outweighed the harm caused to the openness of the Green Belt and therefore resolved to grant temporary permission for a period of three years from the date of the decision (decision dated 9 July 2012). Costs were also awarded against the Council for its failure to adequately assess the level of Gypsy/Traveller site provision in Three Rivers, the merits of granting a temporary permission and the human rights of the applicant.
- 1.3 13/2256/FUL - Use of land for the stationing of caravans for residential purposes for 3 no. gypsy pitches together with the formation of additional hardstanding and utility/dayrooms ancillary to that use. Permitted and implemented.
- 1.4 16/0958/FUL - Removal of Conditions 1 (Personal) and 3 (Temporary Period) of planning permission 13/2256/FUL (Use of land for the stationing of caravans for residential purposes for 3 no. gypsy pitches together with the formation of additional hardstanding and

utility/dayrooms ancillary to that use] to allow use as a permanent site for 3 no. gypsy pitches - Temporary planning permission granted for a further 18 months (expiring 1 January 2018).

- 1.4.1 This decision was appealed by the applicant under APP/P1940/W/16/3164710 and was subsequently granted for permanent planning permission by The Planning Inspector. During the course of appeal, following a change in policy (the Council resolved that the Gypsy Traveller and Travelling Showpeople Local Development Document LDD, which was never adopted but initially anticipated for adoption in 2013, was to now progress through the preparation of the new Local Plan), the Local Planning Authority (LPA) proposed a three year occupancy and to allow the site to be occupied by the applicant's sister.
- 1.4.2 In reaching her decision, the Inspector cited that the unmet need, failure of policy, lack of alternative sites, personal circumstances of applicant and wider family outweighed the inappropriateness of the development in the Green Belt, the additional harm from loss of openness, failure to safeguard the countryside from encroachment and the limited harm to the character of the rural area.
- 1.4.3 Planning permission was therefore granted by the Inspector on 23 June 2017 for permanent planning permission and personal only to the applicant and close family and their resident dependants' (3 gypsy pitches).
- 1.5 18/0821/FUL - Use of land for the stationing of caravans for residential purposes for 6 no. gypsy pitches together (6 static caravans and five touring caravans) with the formation of additional hard standing, 3 ancillary utility/dayroom blocks and stable block – Permitted July 2018 and implemented.
- 1.6 22/1573/FUL - Change of use of land to provide for 4no. additional pitches for residential purposes together with the formation of hardstanding and driveway – Permitted December 2022.
- 1.7 23/1315/FUL - Variation of Condition 6 (Landscaping Scheme) pursuant to planning permission 22/1573/FUL (Change of use of land to provide for 4no. additional pitches for residential purposes together with the formation of hardstanding and driveway) to include additional soft landscaping with associated boundary treatments – Permitted September 2023.

2 Description of Application Site

- 2.1 The application site forms part of a parcel of land located immediately to the north and east of the existing and well-established traveller site known as Little Liz including the existing vehicular access point via Old House Lane. Works have recently begun on the site following the grant of planning permission referenced 22/1573/FUL (later varied under application 23/1315/FUL) to expand the existing Little Liz site to provide four additional pitches. The works to date have included the laying of hardstanding to create the new service road and footways. Seven static caravans and two touring caravans have already been brought onto the site, some of them are occupied.
- 2.2 The site is positioned close to the junction with Old House Lane and Langleybury Lane.
- 2.3 The existing Little Liz site contains six pitches enclosed by close boarded fencing, a stable block and an associated paddock, adjacent to Old House Lane with the wider site (enclosed in blue) forming part of a woodland tree preservation order (T235), part of which was removed and re-planted. To the west of the application site and beyond the tree line buffer is the M25 motorway.
- 2.4 In terms of policy designations, the application site is situated within the Metropolitan Green Belt and comprises land within the woodland tree preservation order.

3 Description of Proposed Development

- 3.1 Part-retrospective planning permission is sought for the change of use of the land to accommodate 11 additional gypsy pitches caravans for residential purposes, together with laying of hardstanding and construction of a dayroom. The application if granted would take the total number of pitches across the Little Liz site to 17.
- 3.2 The layout of the new pitches has been arranged to read as an extension of the existing caravan site. The pitches would be enclosed by post and rail fencing and complimented by hedge planting.
- 3.3 The proposed day room would measure 18m in width (excluding bay window features), 10m in depth (excluding bay window feature) and would have a gabled roof form measuring 6m in height; sloping down to an eaves height of 2.7m to the front and rear. Glazing is proposed to three of the four elevations. The day room would contain a kitchen/dining area, living room, bathroom, utility room, office and a playroom. The day room would be located within the western corner of the extended part of the site at the end of the internal service road.
- 3.4 Works to construct the internal access road have already begun and would serve the new pitches and day room. The road would extend eastwards from the existing entrance and would meander to the proposed area subject of the eleven new pitches.
- 3.5 For clarity, a single Gypsy or Traveller pitch can include two stationed caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, although only one of these can be a residential mobile home. This latter Act and the Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 defines a residential mobile home as being no larger than 20 metres in depth, 6.8 metres in width and 3.05 metres internal height.
- 3.6 Amended plans were received during the course of the application reducing the size of the day room building by 3m in width and 0.6m in height and its position it within the site.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: Comments received.

Whilst members appreciate the need for the Little Liz community to grow, we are concerned regarding the expansion of the site within the Greenbelt and the fact that it would suggest inappropriate development within the greenbelt.

We have sought further information from the planning officer but as we are still awaiting a response we would suggest that we defer full response until we have confirmation regarding the issues regarding the appropriateness of the development within its planning confines.

Issues we have are

- *We understand that the Three rivers district Council are looking at the GTAA under the Local Plan Proposals and would appreciate further confirmation as to how that process will affect this application.*
- *Members are confused as to the extent of the application, as there appears to be an additional 7 bays as opposed to the 11 bays noted on the application (plan PBA1). Member would like confirmation as to whether this is an extension to the previous scheme, or a reduction and addition to the current scheme.*
- *We note the historical loss of trees and would request the ability within this application to replace these, and if a BNG greater than the statutory 10% could be attributed to any application should it be approved.*

4.1.2 TRDC Local Plans Section: Comments received

The application proposes the change of use of land to provide for 11 pitches for residential purposes together with the formation of hardstanding and erection of a dayroom building. The application site is located entirely within the Metropolitan Green Belt.

Policy H of the 'planning policy for traveller sites' (PPTS) (December 2024) sets out that Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) The existing level of local provision and need for sites*
- b) The availability (or lack) of alternative accommodation for the applicants*
- c) Other personal circumstances of the applicant*
- d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- e) That they should determine applications for sites from any travellers and not just those with local connections.*

Policy CP5 of the Core Strategy (2011) sets out that when allocating sites or considering planning applications for sites for Gypsies and Travellers or Travelling Showpeople, a criteria based approach will be used. The following criteria will be taken into account:

Avoid areas at risk from flooding

- a) Avoid causing an adverse impact on areas of recognised wildlife, heritage or landscape importance, and on the openness of the Green Belt*
- b) Be in or near existing settlements with access by foot and/ or public transport to local services, including shops, schools and healthcare*
- c) Be well located to the highway network, with safe and convenient vehicular and pedestrian access to the site*
- d) Provide adequate on-site facilities for parking, storage, play and residential amenity*
- e) Provide adequate levels of privacy and residential amenities for occupiers and not be detrimental to the amenities of adjacent occupiers*
- f) The circumstances of the applicant and their need for pitches on the application site*

Policy CP11 states that there will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Policy DM2 considers that construction of new buildings in the Green Belt is inappropriate, with certain exceptions listed in paragraph 149 of the National Planning Policy Framework (NPPF).

Policy E of PPTS (December 2024) states "inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in Chapter 13 of the National Planning Policy Framework apply". It also states that "the Golden Rules, set out in chapter 13 of the National Planning Policy Framework, do not apply to traveller sites".

Paragraph 154 of the National Planning Policy Framework (NPPF) states that development in the Green Belt is inappropriate unless certain exceptions apply. Paragraph 154 of the NPPF sets out the following exceptions to inappropriate development in the Green Belt:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*

- c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) *limited infilling in villages;*
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) *limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
- h) *Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - i. *mineral extraction;*
 - ii. *engineering operations;*
 - iii. *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
 - iv. *the re-use of buildings provided that the buildings are of permanent and substantial construction;*
 - v. *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
 - vi. *development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

Additionally, paragraph 155 of the NPPF sets out that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- 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 set out in paragraphs 156-157*

The planning statement accompanying the application sets out that the Council cannot demonstrate that it has a five-year supply of deliverable land for gypsy sites and that its Gypsy and Traveller Accommodation Assessment (published in 2017) is out of date. It must be noted that the Council is currently in the process of undertaking an updated Gypsy and Traveller Accommodation Assessment, which will inform future need.

4.1.3 Hertfordshire County Council - Highway Authority: No response received at time of publication; any comments received will be verbally updated at committee.

4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 74 (Expiry 25th April 2025)

4.2.1.1 This number were consulted on the application as they are either located near the application site or have previously commented on applications at this site.

4.2.2 No of responses received: 0 objections, 0 letters of support

4.2.3 Site Notice: Posted 14.10.2024 Expired 04.11.2024

5 **Reason for Delay**

5.1 Receipt of amended plans.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

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

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

6.1.4 Human Rights Act 1998

6.1.5 Equalities Act 2010 / Public Sector Equality Duty (PSED)

6.1.6 Housing Act 2004

6.1.7 Children Act 2004

6.1.8 The Environment Act 2021

6.2 Policy / Guidance

6.2.1 National Planning Policy Framework and National Planning Practice Guidance

6.2.2 In December 2024 the NPPF was updated, to be read alongside the online National Planning Practice Guidance. The 2024 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

6.2.3 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

6.2.4 Planning Policy for Traveller Sites (PPTS) (December 2024) produced by Department for Communities and Local Government.

6.2.5 Three Rivers Gypsy and Traveller Accommodation Assessment (March 2025).

6.2.6 Online National Planning Practice Guidance.

6.3 The Three Rivers Local Development Plan.

6.3.1 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

6.3.2 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP2, CP3, CP4, CP5, CP6, CP8, CP9, CP10, CP11 and CP12.

6.3.3 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM6, DM7, DM8, DM9, DM10 and DM13 and Appendix and 5.

6.4 Other

7 Planning Analysis

7.1 Overview

7.1.1 The Little Liz traveller site was established in 2012 as a temporary site for the family of the applicant. Following an unauthorised encampment and service of an enforcement notice the applicant received temporary planning permission when appealing against the enforcement notice APP/P1940/A/11/2160486 and APP/P1940/C/11/2164949. The site originally had planning permission for 2 pitches on a temporary basis. The site has since expanded and was made permanent in 2016 (16/0958/FUL) and later increased to a total of 6 pitches in 2018 (18/0821/FUL). The latter planning permission, granted in July 2018, limits occupancy of the existing caravan site to a number of the applicant's family including their resident dependents. Within the existing site there are extensive areas of hardstanding and landscaping along with static homes, touring caravans, small timber sheds and a pitched roofed timber barn located within the south-western corner.

7.1.2 Planning permission was granted in 2022 (22/1573/FUL (later varied under application 23/1315/FUL)) to expand the existing Little Liz site to provide 4 additional pitches. As mentioned previously, works have commenced to create the internal access road.

7.1.3 The key differences between this application and the varied 2022 scheme are the quantum of pitches proposed (from 4 to 11) and the inclusion of the dayroom. Therefore, the principle of the expansion of the site and the formation of a service road has been found acceptable.

7.2 Impact on the Metropolitan Green Belt

7.2.1 The application site located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans.

7.2.2 As with previous Green Belt policy, the NPPF identifies the five purposes of including land in Green Belts as:

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

7.2.3 The NPPF sets out 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 (Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate). Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except

in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.2.4 Paragraph 16 of the Planning Policy for Travellers Sites states that inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in chapter 13 'Protecting Green Belt land' of the NPPF apply.

7.2.5 Paragraph 154 sets out that development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. **engineering operations;**
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. **material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and**
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.2.6 Policy CP5 of the Core Strategy endorses support for gypsy provision but advises against development which harms the openness of the Green Belt. Due to the make-up of the District, with a substantial percentage covered by the Green Belt designation, the majority of future proposals for gypsy traveller provision is likely to be within the Green Belt and thus will conflict with Policy CP5.

7.2.7 The NPPF and Core Strategy CP11 also set out that there is a general presumption against inappropriate development in the Green Belt and this is reflected by Policy DM2 of the Development Management Policies document. Policy DM2 pre-dates the current 2024 NPPF but was adopted after the publication of the 2012 NPPF. The wording of the Green Belt chapters of the NPPF has not materially changed between the 2012 and 2024 NPPF in respect of exceptions to openness, and on that basis, it is considered that DM2 which was adopted after the 2012 NPPF was published, is consistent with the NPPF and is an up-to-date policy to which considerable weight may be attached.

- 7.2.8 The proposal involves a material change of use of the land to provide 11no. pitches for residential purposes together with the formation of hardstanding and erection of a dayroom building. In the assessment of the 2022 application to provide 4no. pitches it was concluded that an expansion would impact on the openness on the Green Belt; however, its impact would be localised as the extension of the traveller site would be against the backdrop of the existing traveller site and only extends partially to the north with the reminder of the wider site free of built form development. In addition to harm from its inappropriateness and harm from a reduction in openness, the extension of the traveller site further north into the protected woodland was considered to conflict with one of the purposes of the Green Belt as it would fail to safeguard the countryside from encroachment. As such, the proposed development to provide 11 pitches, which would also extend the existing site further north into undeveloped land, would also be regarded as inappropriate development and with an increase in the number of pitches would exacerbate the harm to the openness of the Green Belt.
- 7.2.9 In respect of the internal road local planning policies CP11 and DM2 are silent on engineering operations; however, paragraph 154 of the NPPF states that such operations may be appropriate in the Green Belt subject to preserving openness and not conflicting with the purposes of the Green Belt. Whilst the new road will have an impact as it will facilitate activity within eastern part of the site therefore spreading development beyond the confines of the existing traveller site, it would only facilitate access to the 11 pitches. Furthermore, the access road proposed is relatively similar to that approved under application 22/1357/FUL albeit it extends closer to the west boundary of the site and it is not considered that this additional section of internal road causes significant harm in comparison to what has previously been approved. In granting planning permission under 22/1357/FUL planning conditions were attached to ensure that no vehicles or structures would be parked/stored on the road or adjacent land within the application site outside the bounds of the new pitches and that no external lighting erected. These conditions are still considered appropriate and are recommended. Further details regarding the type of surface were also be secured by condition, with a preference for an appropriate surface such as gravel rather than tarmac or block paving. Details were agreed pursuant to application 23/0365/DIS and those details have been submitted as part of this application as shown on drawing J004413-TD-06. A condition is recommended requiring the internal access road to be implemented in accordance with this drawing.
- 7.2.10 With such controls in place and when considering its positioning and limited visibility from outside the site it is considered that the road would preserve the openness of the Green Belt. In relation to the purposes of the Green Belt and having regard to the proposed road's locational context, sited between an established traveller site and Langleybury Lane, it is not considered to prejudice the aims of the Green Belt and thus would not encroach into the countryside or conflict with any other purposes of the Green Belt. As such, the laying of the internal road, subject to conditions would be appropriate development.
- 7.2.11 In respect of the new dayroom, its function would be as an amenity building for the occupants of the new pitches, the purpose of the dayroom would therefore be for ancillary purposes to the primary use of the wider site. As a new detached building, it would not fall within any of the exceptions listed at paragraph 154 above and thus would constitute inappropriate development in the Green Belt. However, Policy DM2 of the Development Management Policies LDD does allow for the provision of ancillary buildings. Policy DM2 of the Development Management Policies LDD states that the Council will only support the provision of ancillary buildings in the Green Belt where it can be demonstrated that the development would:
- a) be of a scale and design clearly subordinate to the dwelling and of a height and bulk such that the building would not adversely affect the openness of the Green Belt
 - b) be sited in an appropriate location that would not be prominent in the landscape and would not result in the spread of urbanising development

- c) avoid features normally associated with the use of a building as a dwelling such as dormer windows.

- 7.2.12 Having regard to the above criteria, the new dayroom would be located in the western corner of the extended site, at the end of the internal access road and adjacent to the existing Little Liz site set back significantly from both Langleybury Lane and Old House Lane, and would be close to the existing built form and static homes within the existing Little Liz site. Concerns were raised with regards to the size of the dayroom originally proposed particularly with regards to its width and height and its resultant visual prominence and impact on openness on the Green Belt. Amendments were therefore sought to reduce its size. Amended plans were received reducing the width of the building by 3m and its height by 0.6m. No reduction to its depth was made. The revised plans also rotated the building 90° so it would be relatively in line within the five pitches on the southern side of the internal access road. Whilst officers expected a greater reduction than proposed, the siting of the dayroom and its rotation 90° reduces its prominence within the site. Furthermore, the applicant contended that the size of the dayroom that was appropriate to meet the needs of the 11 new pitches. Consideration was given to the provision of two smaller dayrooms within the site, but this would ultimately increase the extent of built form within the site and impact on the quantity of pitches provided which as explained later at a paragraph 7.2.21 below are much needed within the District. The dayroom does not include any dormer windows in respect of DM2c) but does include bay window features to the front and northern elevations which are features normally associated with the use of the building as a dwelling. Notwithstanding this, the bay windows are modest in size and would not be readily visible.
- 7.2.13 Although it is acknowledged that the proposed dayroom would not fall within any of the identified exceptions set out in the NPPF and would therefore be constitute inappropriate development, it is considered that weight must be attached to the criteria set out in Policy DM2. In this case, the development would consist of ancillary building that would be of an appropriate size to serve the needs of the site, would not appear unduly prominent in the landscape and would also not adversely affect the openness of the Green Belt in accordance with Policy CP11 of the Core Strategy and Policy DM2 of the Development Management Policies LDD.
- 7.2.14 To conclude, notwithstanding the dayroom and associated access road, the development constitutes inappropriate development in the Green Belt having regard to paragraph 154, which would have a moderate harmful impact on the openness of the Green Belt both spatially and visually and conflicts with one of the purposes of the Green Belt, through its failure to safeguard the countryside from encroachment.
- 7.2.15 Notwithstanding the above, paragraph 155 of the NPPF (which was inserted in 2024) states that development of homes, commercial and **other development** in the Green Belt should also not be regarded as inappropriate where all of the following a) to d) apply. It is considered that the change of use of the land would fall within 'other development' in the Green Belt, which includes all the other associated structures and developments which are intrinsically linked to the use of land as residential:
- 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 (Which, in the case of applications involving the provision of housing, means the lack of a five-year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years)
 - 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 set out in paragraphs 156-157.

- 7.2.16 For the purposes of plan-making and decision-making, Annex 2 of the NPPF defines 'grey belt' 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 the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
- 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;*
- 7.2.17 The site is bound by defensible boundaries of Old House Lane to the south and Langleybury Lane to the west; a woodland and M25 are located to the west of the site and there is a landscaped buffer to the northern boundary. Thus, the site would not result in unrestricted sprawl of a large built-up area. The development would also not result in the merging of neighbouring towns or impact on the important setting of a historic town. Therefore, it is considered that the site does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 and would not undermine the purposes of the remaining Green Belt in respect of (c) and (3) and therefore constitutes 'grey belt' land and would satisfy the first ambit of paragraph 155.
- b) There is a demonstrable unmet need for the type of development proposed*
- 7.2.18 The Planning Policy for Traveller sites (PPTS) was updated in December 2024 and included a change to the planning definition of Gypsies and Travellers for the purpose of planning policy, which has been amended as follows:
- 'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, **and all other persons with a cultural tradition of nomadism or of living in a caravan**, but excluding members of an organised group of travelling showpeople or circus people travelling together as such [emphasis added].'*
- 7.2.19 The PPTS allows local authorities to make their own assessment of need for provision for Gypsies, Travellers and Travelling Showpeople within their relevant district. The assessments should be updated annually and identify a supply of specific deliverable sites to provide 5 years' worth of sites against their locally set targets and identify locations for growth, for years 6 to 10, and where possible, for years 11 to 15.
- 7.2.20 TRDC Local Plans confirmed the Council were undertaking an updated Gypsy and Traveller Accommodation Needs Assessment at the time of making their representation for the application. This assessment has recently been published and concluded that there is a need for 49 additional pitches, over the period 2024/25 to 2040/41. Out of the 49 pitches, 41 met the 2023 planning definition; 5 pitches for undetermined households and 3 pitches who do not meet planning definition; however, it is important to note that the PPTS was updated in December 2024 and the planning definition of a Traveller in Annex 1 was amended (defined above). As a result of this an updated version of this GTAA Report is to be prepared in due course that reflects the changes in the current PPTS. The need figures that are included in this Report will not change; however, it is understood that the 3 pitches who did not meet the 2023 definition now meet the updated 2024 definition. Since the assessment was undertaken the LPA have recently granted planning permission for a single pitch at Keepers Cottage, Solesbridge Lane, Chorleywood (Ref: 25/0008/RSP).
- 7.2.21 Consequently, there is clear demonstrable unmet need for housing within the District in respect of 155b).
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework*

- 7.2.22 In respect of 155c), the location of the site is outside of any defined settlement boundary set out in the Core Strategy.
- 7.2.23 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development and at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF states that there are three overarching objectives to sustainable development – economic, social and environmental; which are interdependent and need to be pursued in mutually supportive ways - essentially there must be a balance between the three.
- 7.2.24 Hunton Bridge is about 1.5km away from the application site which contains a convenience store, two public houses and a primary school (St Paul's C of E). There are also bus stops on the A41 at this point and 3 bus services provide a regular service between Kings Langley and Watford on Mondays to Saturdays with some services on Sundays as well.
- 7.2.25 In the 2012 planning appeal (PINs Ref: APP/P1940/A/11/2160486) in connection with application 11/0725/FUL listed at Section 1 of this report, the Planning Inspector confirmed that the whilst the site is not particularly conveniently located in terms of access to healthcare services and at odds with the criteria c) of Policy CP5 of the Core Strategy, which requires sites to be in or near existing settlements with access by foot and/or public transport to local services, including shops, schools and healthcare, it was considered that the site met the overall thrust of guidance on sustainable development in the NPPF and PPTS and therefore was considered an acceptable location. Furthermore, the proposal is for the provision of 11 new pitches which is not considered to be a significant development with regard to paragraph 110 of the NPPF.
- 7.2.26 Consequently, it is considered that the location of the site would be acceptable in the context of 155c).
- d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157*
- 7.2.27 Finally, Policy E of PPTS (December 2024) states that the Golden Rules, set out in chapter 13 of the National Planning Policy Framework, do not apply to traveller sites and is therefore not applicable in the assessment of this application in respect of paragraph 155d).
- 7.2.28 In conclusion, it is considered that the proposed development would utilise grey belt land, there is a demonstrable unmet need for traveller pitches within the District and the site is located is a sustainable location. Thus, the development as a whole satisfies the requirements of paragraph 155 and therefore is not regarded as inappropriate development within the Green Belt. There is no direct harm to the openness of the Green Belt as a result. The development therefore complies with Policy CP11 of the Core Strategy, Policy DM2 of the Development Management Plan LDD and the NPPF (2024).
- 7.3 Impact on Landscape character and Street Scene
- 7.3.1 Policy CP12 of the Core Strategy states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 7.3.2 Policy DM7 of the Development Management Policies LDD states that the Council will require proposals to make a positive contribution to the surrounding landscape and that proposals which would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused.
- 7.3.3 As previously mentioned above the existing traveller site and application site are currently more readily visible as a result of the unauthorised woodland clearance works. It has previously been determined that the introduction of mobile homes, touring caravans and other associated paraphernalia does not conserve or enhance the character of the area.

- 7.3.4 When considering the siting of the new 11 pitches and the dayroom the visual impact on the area is limited from Old House Lane due to the relatively extensive vegetated tree cover on the boundary. Whilst recognising that the tree cover would thin in winter months, the new caravans / static caravans and dayroom would be read against the existing site. However, it is accepted that views will be possible towards the application site when approaching the junction between Old House Lane and Langleybury Lane and also from public vantage points on Langleybury Lane.
- 7.3.5 In terms of the wider landscape impact from the extension of the traveller site, the majority of views would be at a localised level as discussed above. Any wider landscaping impact from the new pitches would be limited due to their height, scale and locational context.
- 7.3.6 The new internal access road to the new 11 pitches would largely be obscured from view given the existing boundary treatments and with new tree planting is not considered to harm the character of the area nor would it have any wider landscaping implications.
- 7.3.7 In summary the proposed extension of the site to provide 11 new pitches would further detract from the character of the area contrary to Policy CP12 of the Core Strategy.
- 7.4 Wildlife and Biodiversity
- 7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.4.3 The application has been submitted with a Biodiversity Checklist. The checklist concludes that no biodiversity survey or assessment is required in this instance, and the Local Planning Authority is not aware of any protected species on this site.
- 7.4.4 A condition can be recommended requiring the submission of a soft landscaping scheme to ensure that the hedging located along the northern boundary of the extended site is planted and appropriately managed.
- 7.5 Highways, Parking and Access
- 7.5.1 The 11 new pitches would be served by an internal access road which would branch off from the existing site and no new access point would be created from Old House Lane or Langleybury Lane. The existing access point from Old House Lane would remain unchanged, is in good condition and provides acceptable visibility. This arrangement was previously approved to under application 22/1537/FUL for the initial expansion to provide 4 pitches.
- 7.5.2 The Highway Officer was consulted on the 2022 application and raised no objection stating that the existing access is sufficient for two vehicles to pass each; vehicles can enter and exit in forward gear and whilst the increase in pitches would be considered an intensification of use of the access it would not be considered significant. The Highway Officer was verbally consulted on this latest application and although there is an increase in the number of pitches proposed, they raised no objection.

- 7.5.3 With regards to parking provision, there are no specific parking standards for traveller sites, however, the submitted layout of the extended site shows that adequate space would exist for on-site parking.
- 7.5.4 Highways England were consulted on the 2022 application and raised no objection to the proposed development subject to conditions in relation to water supply, drainage and refuse management which remain relevant to this application. A condition in respect of drainage and the disposal of water are attached to the recommendation. Consideration of the refuse and recycling arrangements are considered at paragraph 7.10 below.
- 7.6 Trees and Landscaping
- 7.6.1 Policy DM6 of the Development Management Policies LDD advises that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.6.2 The application site and wider land within the ownership of the applicant is covered by a Tree Preservation Order (TPO 235). Following the grant of planning permission under application 22/1537/FUL works had commenced on site, the northern boundary of the expanded site has been pushed further back into the land north of the site but only by approximately 3m. This has been factored into this current submission.
- 7.6.3 The previous re-planting of the woodland has been agreed with the Council and has been undertaken on site, although further ongoing maintenance is required.
- 7.6.4 Consequently, whilst acknowledging that there has been additional encroachment into the wider site afforded protection from the TPO, a landscaping scheme was agreed via application 23/1315/FUL in connection with the 2022 planning permission. As such, a condition is attached requiring the submission of a new landscape scheme based on what we previously approved but with some slight amendments based on this current proposal.
- 7.6.5 Whilst it is recognised that there will be future concerns regarding incremental encroachment, the trees secured by the planning condition will be subject to a management plan and will become protected from the woodland order. Further an extant Injunction exists on the land which prevents the addition of further caravans and associated works without planning permission.
- 7.7 Impact on neighbouring amenity
- 7.7.1 Due to the relative isolated location of the application site it is not considered that a development would harm nearby neighbouring properties.
- 7.8 Mandatory Biodiversity Net Gain
- 7.8.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 7.8.2 Given that this is a part-retrospective application the need for the development to achieve a biodiversity net gain is not required.
- 7.9 Sustainability
- 7.9.1 Paragraph 161 of the NPPF states that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways

that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

- 7.9.2 Due to the nature of the development it is not realistic to expect sustainability features to be incorporated into the proposal.

7.10 Refuse and Recycling

- 7.10.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

- 7.10.2 The submitted plans do not detail provision of bin storage areas; however, there is sufficient space in each of the pitches for bin storage areas to be provided which would not be visible from the street. Bins are currently brought to the existing access from Old House Lane on collection day in line with the existing arrangements for the Little Liz site. This is considered acceptable arrangements for refuse/recycling on collection days. As such, the proposed development would provide adequate provision for the storage and collection of refuse and re-cycling, in accordance with the requirements of Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

7.11 Other Material Considerations:

- 7.11.1 In addition to the above assessment, that there are other material considerations which should be considered:

Failure of Policy & Alternative Sites

- 7.11.2 Policy CP11 of the Core Strategy states that the identified need for traveller sites will be met by allocations in a Gypsy and Traveller Site Allocations DPD. The Council has failed to bring forward any allocations for gypsy sites. The Council's new local plan is yet to be adopted and is still at consultation stage and its planned adoption is now scheduled for September 2026. Thus, there is a failure of policy which is a further consideration which carries weight in favour of the development.

- 7.11.3 With regards to alternative sites, the existing pitches with planning permission in the district are private sites and there are substantial waiting lists for pitches on public sites within the Hertfordshire. During the application process Officers engaged with the Gypsy and Traveller Service at Hertfordshire County Council who confirmed that there is a “huge shortage of pitches versus number wanted” across the county and there is no availability on the existing sites. The lack of alternative sites and the fact that the alternatives sites within the District are likely to be in the Green Belt are further considerations in favour of the application.

Engagement with Humans Rights Act

- 7.11.4 When considering an application for planning permission for gypsy pitches, the Council needs to consider whether Article 8(1) of the European Convention on Human Rights (ECHR) is engaged. Article 8(1) provides that everyone has the right to respect for his private and family life, his home and his correspondence. Case law has established that Article 8(1) of the ECHR is engaged in applications for planning permission for residential

Gypsy caravan pitches irrespective of whether the applicants are occupying the site as their home at the time the application is made.

- 7.11.5 Article 8(2) of the ECHR allows interference by a public authority with the right to respect for private and family life where the interference accords with the law and is necessary in a democratic society for the wider public interest, in terms of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of rights and freedoms of others.
- 7.11.6 Case law has also established that the greater the interference with ECHR rights, the greater will be the need to justify that interference by reference to necessity and proportionality. The concept of proportionality can be equated to the balancing exercise which should be undertaken by all decision makers and in the case of applications for Gypsy sites, any action must be evenly balanced and fully considered in order to avoid the criticism that it is disproportionate relative to the harm caused. These cases suggest that legally it will not be sufficient for local authorities to rely on a breach of Development Plan policies in refusing planning permission. Rather there must be clear evidence of demonstrable harm which outweighs the consequences of the Council's decision for Gypsies. There is thus a need for the Council to consider the consequences of a refusal for the applicant, including health, education, other social issues and the availability of alternative sites. It has however been found that the fact that no alternative site has been identified does not necessarily mean that it is disproportionate to refuse planning permission.

Needs of the occupants and their personal circumstances

- 7.11.7 In the assessment of the 2022 application Officers were satisfied that those who were to take up residency within the proposed 4 pitches were gypsy travellers. One of the residents is disabled and relies on the support of her extended family. Another resident had a one-year-old child and another was expecting their first child at the time. As a result, there were clear personal circumstances of some of the occupiers who would benefit from a settled residence and be surrounded by close family.
- 7.11.8 Following the changes to National Planning Policy Framework and the Planning Policy for Travellers and Showpeople in December 2024 it is no longer necessary to rely on the personal accommodation needs and personal circumstances of the prospective site residents; or the needs of the children.
- 7.11.9 Nevertheless, the proposed expansion would result in the provision of a settled base to allow future residents to register with a local GP, and access appropriate health services; it would allow the children to attend school regularly; and reduces the need for long range or frequent travelling. These factors weigh in favour of the application, especially when considering Article 8 of the Human Rights Act which protects the right of an individual to, amongst other things, a private and family life and home.
- 7.11.10 It is considered that these above material considerations weigh significantly in favour of the development.

7.12 Planning balance:

- 7.12.1 To conclude, the development is not inappropriate development in the Green Belt. It has been identified that the proposed development does have a limited and localised adverse impact on the rural character of the area. Notwithstanding this, it has been determined that the material considerations as detailed above in this report outweigh the harm and as such, the development is acceptable, subject to conditions.
- 7.12.2 The LPA cannot currently demonstrate a 5-year housing land supply, and therefore paragraph 11 of the NPPF (2024) is engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking "the policies which are most important for determining the

application are out-of-date when the LPA cannot demonstrate a five-year supply of deliverable housing sites". The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). Paragraph 11 continues, "Plans and decisions should apply a presumption in favour of sustainable development... where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

- 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.

7.12.3 As mentioned the LPA do not have a 5-year supply and the provision of 11 pitches provides some form of housing within the District. In this case 11d)ii) is relevant and it is considered that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits and is therefore considered acceptable.

7.13 Conditions:

7.13.1 A number of conditions are considered reasonable and meet the tests set out at paragraph 56 of the NPPF (2024). A condition confirming that planning permission is restricted for residential use by Gypsies and Travellers (as defined in the PPTS) is required in order to safeguard the site for this purpose. Conditions limiting the number of caravans and controlling commercial activity is required in the interests of preserving the character of the area; details regarding foul drainage, submission of a detailed and comprehensive soft landscaping scheme, controls on placement of vehicles and storage across the site, commercial activity and external lighting to safeguard the character of the area. Such conditions were also similarly attached to the planning permission granted under 22/1573/FUL.

7.13.2 Regarding the dayroom, this is required to enhance the amenity of current and future occupants of the site; however, a condition is recommended to restrict the use of the dayroom for incidental purposes to the enjoyment of, and ancillary to, the pitches located on the site so that it is not used as a independent dwelling at any time.

8 **Recommendation**

8.1 That subject to no new material considerations being raised and following the expiration of the consultation period (25 April 2025), the decision be delegated to the Head of Regulatory Services to GRANT part-retrospective planning permission, subject to conditions:

- C1 The application site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: To protect the character and appearance of the area and the Metropolitan Green Belt in accordance with Policies CP5 and CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: PBA1 REV-D; TRDC 001 (Location Plan); TRDC 002 (Proposed Front and Rear Elevations); TRDC 003 (Proposed Side Elevations) and TRDC 004 (Proposed Floor Plan).

Reason: For the avoidance of doubt, in the proper interests of planning, the protection of the openness and rural character of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM6, DM7, DM8, DM9, DM10 and DM13 and Appendix and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 No further development or other operation shall commence on site until detailed foul water drainage plans has been submitted to and approved by the Local Planning Authority. The development shall proceed in strict accordance with the agreed details.

Reason: To ensure that the amenities of future occupiers are met and to meet the requirements of Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C4 Within THREE MONTHS of the date of this planning permission, a detailed landscaping scheme shall be prepared and submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

The landscaping scheme shall include: long term design objectives; details of hard surfaces; details of: how soft landscape areas will be prepared for planting; tree and shrub species to be used; any existing trees which are required to be re-positioned, proposed number of plants; their size at time of planting; and how they will be protected until fully established.

A landscape maintenance plan shall also be produced, which includes details of all maintenance schedules for all landscape areas, and maintenance that will be undertaken to ensure the planting successfully establishes.

The landscaping scheme and landscape maintenance plan shall be carried out as approved.

Reason: To ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 The works to all hard surfacing areas shall be carried out in accordance with the details shown on drawing J004413-TD-06 prior to occupation of the development and maintained thereafter.

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5 and CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C6 No more than 22 caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, (of which no more than 11 shall be a static caravan) shall be stationed on the extended traveller site at any time.

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP5 and CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C7 No vehicle over 3.5 tonnes shall be stationed, parked or stored on the application site (as enclosed in red on drawing number TRDC 001 (Location Plan)).

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C8 No commercial activities shall take place on the application site (as enclosed in red on drawing number TRDC 001 (Location Plan)) including external storage of any kind).

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C9 No vehicles, structures or paraphernalia associated with the use hereby permitted including the use by those within the established traveller site, shall be erected/stored on land falling outside the positioning of the post and rail fencing as marked on drawing number PBA1 REV-D (Site Layout Plan).

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C10 No external lighting shall be installed on or adjacent to the internal road or affixed to any buildings/structures on the application site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences and be retained thereafter.

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C11 The day room hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the pitches located on the site and it shall not be used as an independent dwelling or for commercial use at any time.

Reason: The creation and use of a separate and independent unit would not comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application and include a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project

by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

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

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 13 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangement which mean that the biodiversity gain conditions does not always apply.

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out applies).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

- 14 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 15 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further

information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

- I6 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
- I7 The applicant is reminded that an Injunction (Ref: QB 2020 001181) dated 1st April 2020 remains on the Land and must be discharged to account for the development hereby permitted. The applicant will need to apply to the Court to vary or discharge the Order upon giving 24 hours' notice in writing to the Solicitor to the Council, Three Rivers District Council, Three Rivers House, Northway, Rickmansworth Herts WD3 1RL, Tel 01923 727208 email: enquiries@threerivers.gov.uk.







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PLANNING COMMITTEE – 17 APRIL 2025

24/1401/FUL – Demolition of existing front boundary wall and erection of replacement wall and railings including vehicle and pedestrian gates; fencing and associated alterations to parking layout at CHRIST CHURCH C OF E SCHOOL, RICKMANSWORTH ROAD, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5SG.

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 13.11.2024
Extension of Time: 21.04.2025

Ward: Chorleywood North & Sarratt
Case Officer: Tom Norris

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called to Committee by three members unless Officers are minded to refuse. Members cited heritage impact and that the site was adjacent to a public open space.

To view all documents forming part of this application please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SJ81ZZQFL2Y00>

1 Relevant Planning History

- 1.1 24/0449/FUL - Christ Church C Of E School, Rickmansworth Road, Chorleywood, Rickmansworth, Hertfordshire, WD3 5SG - 16.05.2024 – Permitted.
- 1.2 23/1518/FUL – Construction of single storey front extension - 03.11.2023 – Permitted
- 1.3 19/1258/FUL – Installation of a single storey timber outbuilding to be used as additional classroom space – 12.09.2019 – Permitted.
- 1.4 18/1679/FUL - Replacement rooflights - 10.10.2018 – Permitted.
- 1.5 13/2313/FUL - Replacement windows, external doors, rooflights, fascias and soffits - 28.02.2014 – Permitted.
- 1.6 13/0847/FUL - Infill of existing courtyard and new main entrance with glazed porch - 25.06.2013 – Permitted.
- 1.7 03/0743/FUL - Erection of a detached store building
- 1.8 02/00303/FUL - Covered way to side
- 1.9 99/1689/CAC - Demolition of part and alterations to wall and gates
- 1.10 98/0508 - Single storey extension
- 1.11 97/0400 - Extension to nursery block and relocation of playground
- 1.12 8/140/93 - Single storey classroom and covered link
- 1.13 8/70/93 - New classroom extension
- 1.14 8/39/90 - Retention of mobile classroom
- 1.15 8/224/89 - Construction of car park with timber bollards
- 1.16 8/355/86 - Mobile classroom

- 1.17 8/545/81 - Erection of storage building, Christ Church vicarage
- 1.18 8/102/81 – Garage
- 1.19 8/567/80 - Temporary classroom unit
- 1.20 8/684/76 - Alterations to window to form door
- 1.21 8/204/76 - Covered play area Juniors
- 1.22 8/203/76 - Covered play area Infants

2 Description of Application Site

- 2.1 The application site consists of school buildings and land located approximately 60m to the south of Rickmansworth Road.
- 2.2 The application site is located within the Chorleywood Common Conservation Area and the Metropolitan Green Belt. To the north of the site is a church building, Christ Church which is Grade II* Listed. To the west of the application site is Chorleywood Cricket Ground and woodland beyond which forms part of Chorleywood Common.
- 2.3 The school buildings within the application site consist of a two-storey Victorian building, sited in the northwestern side of the site, and a more contemporary single storey building with flat roofs of varying height, sited further to the south-east. To the south of the buildings is a hardstanding parking/playground area with paved footpaths leading around the buildings and providing access.
- 2.4 The site is enclosed to its western boundary by a low wall (approximately 1.2m in height). The wall is made up of sections of flint wall, and red brick piers and is subject to this application.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the demolition of the existing front boundary wall and the erection of a replacement wall and railings including vehicle and pedestrian gates, and fencing.
- 3.2 It is proposed that a 58m stretch of wall, which encloses the western boundary of the school and fronts the gravel car park and cricket pitch to the west, is demolished. As noted above, this wall is approximately 1.2m in height and is made up of sections of flint wall, and red brick piers.
- 3.3 It is proposed that a new wall is constructed in its place. The new wall would be positioned in the exact same location. The proposed wall would consist of 0.4m by 0.4m brick piers of 2.0m in height (2.1m including pier cap). The wall would consist of 3.0m long and 0.9m high walls between the piers. These would be predominantly flint, with two courses of facing brick at the base, and one course of brick and a half round coping brick cap at the top. Above the walls, the piers would be enclosed by black powder coated railings which would have a height of 1.1m, making the total height of the wall and railing sections up to 2.0m.
- 3.4 Within the new wall there would be two pedestrian gates and a vehicle gate, which would match the railings. The pedestrian gates would have a width of 1.4m and 2.0m, and the vehicle gate would have a width of 3.5m. The gates would have an overall height of 2.0m to match the rest of the wall and railings height.
- 3.5 To the northern site boundary, between the start of the proposed wall and the corner point of the new church building, it is proposed that a 9.0m length of 2.0m high “v-mesh” black powder coated fencing is erected.

- 3.6 A 6.5m length of 2.0m high “bow-top” black powder coated fencing is proposed to be erected between the wall and school building to the northern section of the site. Approximately half-way along the length of proposed wall, a 14.0m length of 2.0m high “bow-top” black powder coated fencing is proposed to be erected, adjoining the wall and school building. A 26.0m length of 2.0m high “bow-top” black powder coated fencing is proposed to be erected along the southern site boundary. There would be pedestrian gates within the fencing inside the school.
- 3.7 Amended plans were received during the application which proposed a flint wall design, as opposed to a primarily brick structure with some flint detailing. The scale and proportions of the wall remained as originally proposed and described above.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 The application was subject to consultation upon original submission on 24.09.2024, and on amended plans on 05.03.2025. Comments from consultees who responded to both consultations are set out below.

- 4.1.2 Conservation Officer: [Objection – low level of less than substantial harm]

Comments on original scheme

The application site is located within Chorleywood Common Conservation Area and is identified within Character Zone A of the Conservation Area, along Rickmansworth Road/Chenies Road. Christ Church itself is a Grade II listed building and an important feature within the Conservation Area, with knapped flint exterior referred to in the conservation area guidance and Historic England listing description. The school is not nationally or locally listed, but more recent buildings on site have used a knapped flint finished and high gables in reference to the existing character.*

The flint wall that would be demolished as part of the application is highlighted in the Chorleywood Common Conservation Area Appraisal, in the guidance to Character Zone A and in its current form, the wall enhances the character of the Conservation Area and Grade II listed Christ Church.*

NPPF paragraph 200 requires an applicant to describe the significance of any heritage assets affected including the contribution made by their setting. This has not been provided with the submission and while historic plans show a perimeter wall in this location, the age and significance of the wall has not been described in the submission, which would be required to fully inform an assessment of the proposal.

Nevertheless, it has been possible to assess the proposal. While the significance of the existing wall has not been established, as an attractive feature finished in flint, it is considered to positively contribute to the character and appearance of the Conservation Area and the setting of the Grade II listed Christ Church.*

The loss of the wall and its replacement with a primarily brick structure would fail to preserve or enhance the character and appearance of designated heritage assets and would result in less than substantial harm as per paragraph 208 of the NPPF. The use of railings in combination with the existing wall may be acceptable, subject to a heritage assessment.

Overall, the proposal would result in less than substantial harm to designated heritage assets which has not been justified. As such, the proposal is contrary to Section 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Comments on amended scheme

This application is for: Demolition of existing front boundary wall and erection of replacement wall and railings including vehicle and pedestrian gates.

The application site is located within Chorleywood Common Conservation Area and is identified within Character Zone A of the Conservation Area, along Rickmansworth Road/Chenies Road. Christ Church itself is a Grade II listed building and an important feature within the Conservation Area, with knapped flint exterior referred to in the conservation area guidance and Historic England listing description. The school is not nationally or locally listed, but more recent buildings on site have used a knapped flint finished and high gables in reference to the existing character.*

This is an updated consultation response in relation to revised plans registered on 26th February 2025.

In the first iteration of plans, the existing flint wall would be demolished. The loss of this wall and its replacement with a primarily brick structure was found to be harmful to the designated heritage assets and was not supported in heritage terms.

The update has provided updated documents to show that the wall is in a damaged condition and that there is a need for a taller and more robust boundary treatment for school security. In addition, the proposed plans and elevations now show a wall that is finished in both brick and stone on the side facing the public car park, with half round coping brick and on the school side it would be wholly brick. It would have brick piers, railings and a large vehicle gate all to a height of approx. 2m.

The new proposal is an improvement on the previous proposal due to the use of flint on one side. However, due to the tall brick piers, railings and gates, it will not enhance this part of the Conservation Area or the setting of the listed church which have a more open and semi-rural character.

While it is noted that there are signs of deterioration to the existing wall, one of the concerns in the initial Conservation Officer response was that the historic significance of the existing wall has not been described and while it clearly has some modern elements, it is not clear if this is limited to certain sections or the entire wall. The option to repair and rebuild only damaged sections has not been clearly explored and a rebuilding of the existing wall with a fence to the rear would be a preferred option in heritage terms.

If the scheme were recommended for approval, existing stonework and any other historic materials should be salvaged as much as possible, and a method statement related to this should be secured via planning condition and all other materials secured via condition as well.

Overall, while the proposal is an improvement on the previous, it would still result in less than substantial harm to designated heritage assets, contrary to Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

The National Planning Policy Framework para 212 states that great weight should be given to the asset's conservation. Particularly relevant here is para 215 which states that this harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use. In this instance this would relate to safety concerns over the existing wall and the safety and security benefits to the school and wider community, which should be taken into consideration in assessing the proposal.

Officer comment: The Conservation Officer clarified that the level of less than substantial harm identified was graded as low.

Comments on original scheme

The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officers are minded to refuse.

' The front boundary wall is located in the Common Conservation Area and is a key part of the setting of the Grade II Listed Christ Church. It is also a prominent feature from Chorleywood Common. The current wall is faced by flint which is consistent with the listed church and the school as well as being a traditional form of Chiltern design. The proposed replacement material is mainly brick which is not in keeping with the surrounding buildings. It should be noted that the school wall is an extension of the churchyard wall which will remain with the traditional flint facing and, as such, the proposed materials would be starkly inconsistent with this.

' The Committee felt that, if safety measures are required, the wall should be kept and railings placed on top or behind the current wall. If the wall has to be replaced then it is requested that the materials used are like for like with the existing wall.

' There is concern over the increase in proposed parking within the school grounds which is both unnecessary, as the school is immediately adjacent to a sizeable car park and will increase hazard for the school's children.

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

Officer comment: The parish were re-consulted on 5 March.

4.1.4 Hertfordshire County Council Highway Authority: No objection.

Recommendation

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

Comments/Analysis

Description of Proposal

Demolition of existing front boundary wall and erection of replacement wall and railings including vehicle and pedestrian gates

Site and Surroundings

Rickmansworth Road is a classified A main distributor route subject to a 30mph speed limit which is highway maintainable at public expense. As per Hertfordshire County Council's new Place and Movement Planning Design Guide (PMPDG), Rickmansworth Road is classified as a P1/M2. However, the location of the school access and proposed wall and gates is along a private service road which is not highway maintainable which means that comments can only be made in an advisory capacity as HCC cannot implement policies or maintenance at this location.

Access and Parking

The application does not propose to alter the access from the highway onto the private service road, nor the access into the school site itself. The proposed sliding vehicular gate replaces the existing swing vehicle gate; the proposed replacement vehicular gate is to be

automatic according to drawing number 0778-PL-102. Automated gates would be an appropriate replacement to the existing manual gates to reduce the waiting time of vehicles entering the site, alleviating the risk of congestion reaching back to the public highway. As the gate is not fronting the public highway, the gate is setback a suitable distance from the highway as per the PMPDG. Although the gate and fencing is above 0.6m in height, the width of the gate opening, 4.4m as shown on drawing 0778-PL-102, ensures the required pedestrian visibility splays are clear.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that six parking spaces are shown within the site although the layout on the drawing is noted as being only indicative. Any parking spaces that are provided within the site should be of 2.5m x 5m dimensions according to the PMPDG; although no changes to the parking provision are proposed according to the Application Form.

Conclusion

HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the nearby highway and therefore, has no objections on highway grounds to this application. Again, it is to be noted that as the proposed site is located off a private service route/driveway, HCC cannot implement policies or maintenance in this location and comments are therefore made in an advisory capacity.

4.1.5 HCC Footpath Section: [No response received]

4.1.6 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 5.

4.2.2 Responses received: 2 (Objection)

4.2.3 Summary of responses:

- Adverse impact on the Conservation Area.
- The wall forms an important part of the church and area.
- Proposed replacement wall not in keeping with the area.

4.2.4 Site notice posted 01.10.2024, expired 22.10.2024.

4.2.5 Press notice published . 04.10.2024, expired 25.10.2024.

5 Reason for Delay

5.1 Seeking views from consultees.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.1.2 S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any

features of special architectural or historic interest which it possesses when considering whether to grant planning permission..

- 6.1.3 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.1.4 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 6.1.5 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.
- 6.1.6 The Environment Act 2021.

6.2 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

- 6.2.1 In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.
- 6.2.2 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

- 6.2.3 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.
- 6.2.4 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.
- 6.2.5 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM3, DM6, DM7, DM8, DM9, DM11, DM13 and Appendix 5.
- 6.2.6 The Chorleywood Neighbourhood Plan (adopted 2021).

6.3 Other

- 6.3.1 Chorleywood Common Conservation Area Appraisal (adopted 2010).
- 6.3.2 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7 Planning Analysis

7.1 Impact upon the Metropolitan Green Belt

- 7.1.1 The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. One of the purposes of including land within Green Belt is to safeguard the countryside from encroachment.
- 7.1.2 The NPPF identifies the five purposes of including land in Green Belts as:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns from merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- 7.1.3 Paragraph 153 of the NPPF states 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 and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.1.4 Paragraph 154 of the NPPF states that Development in the Green Belt is inappropriate unless one of the following exceptions applies:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
 - h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.
- 7.1.5 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of

the Green Belt, or which would conflict with the purposes of including land within it. Policy DM2 of the Development Management Policies sets out that the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out in the policy.

- 7.1.6 Section 336 of the Town and Country Planning Act 1990 states that a building “includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building”. The proposed development, including the proposed wall and fencing, is considered to be a building.
- 7.1.7 It is considered that the proposed development would not meet any of the exception criteria set out under Paragraph 154 of the NPPF. In respect of c), the proposed development would not consist of an alteration but the complete rebuilding of the existing wall to approximately double its existing height. To this point it also cannot be considered that the size increase is proportionate above the original size. Similarly, therefore in respect of d), the new wall would be materially larger. It is proposed that new fencing where none currently exists within the school site is also erected. It is not considered that this part of the development fits into any exception criteria.
- 7.1.8 In terms of whether the proposed development would preserve the openness of the Green Belt, there is a spatial and visual dimension to consider. The proposed new wall would occupy the place of an existing wall therefore the land is not open as existing and there would be no impact to spatial openness in this regard. The new fencing would have a limited impact to spatial openness. In terms of visual openness, the new wall would be a more prominent structure. The new wall would be a relatively obvious feature, with the more sizeable components including 2.0m high brick piers. The stretches of enclosing wall would be relatively low (0.9m) and the metal railings, although these would enclose the space between the piers, would allow views through and would also be painted black which would somewhat soften their prominence. While these factors are considered, and the described characteristics may limit the overall impact, the proposed development would still be noticeable in the landscape. The proposed development also consists of the installation of 2.0m high fencing within the school grounds. This would be thin profile and mesh style fencing which would allow views through. This fencing would also be painted black and somewhat read against the backdrop of the school buildings and existing enclosed boundaries.
- 7.1.9 Overall, the proposed development does not meet any exception criteria under Paragraph 154, and it would impact the openness of the Green Belt. While the development does possess some open characteristics, it would be an obvious and noticeable feature in the landscape. The degree of harm to openness is medium to low. The NPPF states that 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 and should not be approved except in very special circumstances.
- 7.1.10 It is also necessary to consider the development against paragraph 155 of the NPPF which relates to ‘grey belt’ and includes ‘other development’. Paragraph 155 is subject to a criteria approach. Whilst the development is likely to meet part a), in so far as it would be grey belt land. In respect of part b) there is no evidence to suggest there is an unmet need for the development. With regards to part c), the site is located within the Chorleywood settlement boundary however in a more remote part of it regarding access to shops and services and part d) is not applicable. Nevertheless, when viewed collectively, the development is not considered to meet each part of paragraph 155 of the NPPF and thus would be inappropriate development.
- 7.1.11 The following sections of this report will consider whether any other harm results from the proposal, and whether very special circumstances exist to outweigh the harm.
- 7.2 Impact upon Character and Heritage Assets

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities, and quality of an area.
- 7.2.2 Policy DM3 of the Development Management Policies document sets out that applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.
- 7.2.3 Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 7.2.4 The application site is located within Chorleywood Common Conservation Area. Christ Church, which is some 15m from the application site, is a Grade II* listed building. A modern extension to the church has been built, infilling the space between it and the school buildings. The LPA acknowledge the comments of the Conservation Officer who identifies a low-level of less than substantial harm from the proposal.
- 7.2.5 The Conservation Officer notes that, in the first iteration of the plans, the loss of the existing wall and its replacement with a primarily brick structure was found to be harmful to the designated heritage assets and was not supported. Officers agreed with this assessment and sought amendments to the scheme over a more suitable replacement (i.e. a replacement wall with a principally flint character and appearance).
- 7.2.6 The Conservation Officer notes that the amended proposal represents an improvement on the previous proposal due to the wall design having a predominantly flint appearance. The Conservation Officer notes however that the retention of the brick piers, railings and gates, means that it would still not preserve nor enhance the character and appearance of the Conservation Area or the setting of the church.
- 7.2.7 The amended plans included a document which seeks to demonstrate the condition of the existing wall. The Conservation Officer notes that, while there are signs of deterioration to the existing wall, one of the concerns in their initial response was that the historic significance of the existing wall has not been described.
- 7.2.8 Officers have physically observed the condition of the wall which corroborates with the condition report submitted by the applicant. The stretch of wall from the northernmost point of the site, to approximately halfway towards the southernmost point is in a reasonably good condition. It is noted that the gate entrance near the northernmost point includes newer stock brick piers. Within this section there is a clear stretch of flint wall infill between two piers approximately 1.0m apart. This appears to have been an historic entrance point. This section of wall also contains obvious sections where the flint has been repaired and repointed with a more yellow, sandy mortar mix. The remainder of the wall from approximately halfway to the southernmost point is in a greater state of disrepair. This includes more widespread examples of flint repairs with a more yellow mortar. There are also sections where the flint has fallen from the wall. Finally, the vehicle entrance at the southern end of the wall also contains newer red brick piers from when this entrance was created.

- 7.2.9 To summarise the above observations, Officers consider that, although the wall likely has some historic significance through its association with the church, its collective state of repair is fair to poor. Officers note the views of the Conservation Officer that the option to properly repair and rebuild only damaged sections has not been clearly explored. The Conservation Officer states that rebuilding of the existing wall with a fence to the rear would be a preferred option in heritage terms.
- 7.2.10 In summary, Officers consider that the existing wall is in a fair to poor condition. There is therefore an opportunity for enhancement through its repair or reconstruction to a similar scale as existing. Given the greater height and therefore greater prominence of the proposed replacement wall, Officers acknowledge that, by virtue of its scale it is unlikely to preserve or enhance the character and appearance of the Conservation Area or the setting of the Grade II* listed church. Officers therefore do not have reason to reach an alternative conclusion to the Conservation Officer, that the proposal would result in less than substantial harm to a designated heritage asset. The level of less than substantial harm is low-level.
- 7.2.11 As set out above in paragraph 7.2.3, the NPPF states that great weight should be given to the asset's conservation and the test is whether any public benefits from a proposal would outweigh the harm caused. In this case, while there is adjudged to be less than substantial harm, the level of harm is low. The applicant submitted a statement of need with the application, setting out the requirement for more enhanced security measures to the school. The statement sets out the following

"Perimeter Security & Site Boundaries:

The existing perimeter security is poor, allowing unrestricted access into and around the school. The boundary walls are low and easily climbed over, while the wooden gates lack access control, making them ineffective in preventing unauthorised entry. Given the school's remote setting, with no natural surveillance from nearby housing or businesses, security enhancements are critical to reducing potential risks.

Security Fencing & Gates:

Although some sections of the school have good fencing, these do not prevent easy access to playgrounds and key areas of the school site. The existing gates are low and lack the necessary security features, such as controlled access. The rear gates, leading to Year 1 and the breakfast and afterschool club area, present a significant security concern as they allow unrestricted access to the back of the school. Additionally, the main entrance is shared with the church cottage, complicating access control and increasing security vulnerabilities.

Entrances & Drop-Off/Collection Points:

The school lacks designated collection and drop-off points, leading to unregulated movement of vehicles and pedestrians. While most cars park outside the school boundary, private vehicles have access to the front area of the school, creating potential safety hazards. A secure and structured entrance system is needed to improve both security and efficiency during busy drop-off and pick-up times.

Signage & Access Control:

There is a lack of clear signage throughout the school site, which can be confusing for visitors and does not contribute to security awareness. Furthermore, access control within the school is minimal. The reception area, though equipped with a foyer, can be easily compromised. The school building itself consists of both older and modern structures, with low-level windows that can be climbed into, further exacerbating security concerns.

Internal Layout & Surveillance Challenges:

The school's layout, with the Church cottage positioned at the centre, creates multiple hidden areas and small corridors that hinder effective surveillance."

- 7.2.12 Overall, there is considered to be a tangible public benefit to the proposal. In this case, there would be a significant upgrade to the actual and perceived security of the school perimeter. This would provide greater peace of mind to parents, staff, and students that the entire school site is secure throughout the day. In addition, clear and physically defined pedestrian and vehicle entrances would improve the safety during pick-up and drop-off times.
- 7.2.13 In summary, the LPA consider that the proposal would result in less than substantial harm to a designated heritage asset. The level of less than substantial harm is low. The proposed development would have public benefits. The planning judgement in this instance is that the public benefits of the proposal would outweigh the low level of harm caused.
- 7.2.14 The Conservation Officer stated that, if the scheme were to be recommended for approval, existing stonework and any other historic materials should be salvaged as much as possible, and a method statement related to this should be secured via planning condition and all other materials secured via condition as well. It is therefore considered appropriate for a condition to be included on any permission for final details of proposed materials. The condition may be worded as such to include provision of salvaged materials such as flint.
- 7.2.15 The proposed development is therefore acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.
- 7.3.2 The proposed development would be in a location that would not result in any harm to the residential amenities of any surrounding neighbouring properties. The proposed development would also not result in any noise and disturbance of the closest neighbouring properties.
- 7.3.3 In summary, the proposed development would not result in any impact on the residential amenity of any neighbouring dwelling and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy.

7.4 Highways & Parking

- 7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.4.2 The proposed development would not impact the parking provision of the site. The plans show a reconfigured parking layout however this area is currently laid as hardstanding and used for parking therefore no use change is proposed. The application does not propose to alter the access from the highway onto the private service road, nor the access into the school site itself. The proposed sliding vehicular gate replaces the existing swing vehicle gate; the proposed replacement vehicular gate is to be automatic according to drawing number 0778-PL-102. Hertfordshire County Council Highway Authority commented on the application, stating that they raise no concerns or objection in an advisory capacity, given the private status of the access. It is considered appropriate for an informative to be added to any permission, advising that all materials and machinery are stored within the school site and not outside the site on the adjacent car park.

- 7.4.3 The proposed development is therefore acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

7.5 Trees & Landscape

- 7.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

- 7.5.2 There are no protected trees within the site or close to the proposed works. Given the nature of the proposed development, which principally includes the reconstruction of a wall on its existing footings, the proposed development would not have a direct impact on trees. As above, it is considered appropriate for an informative to be added to any permission, advising that all materials and machinery are stored on existing hardstanding within the school site.

7.6 Biodiversity

- 7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

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

- 7.6.3 The application is accompanied by an Ecological Appraisal. The appraisal concludes that no evidence of protected species was found on or adjacent to the site and no protected species are to be affected by proposals. The report recommends that a construction environmental management plan is produced to set out avoidance and mitigation measures during construction. It is considered that this can satisfactorily be secured by condition.

7.7 Mandatory Biodiversity Net Gain

- 7.7.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value.

- 7.7.2 The applicant has confirmed on the application form that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to development below the threshold. The LPA are satisfied in this instance that the development impacts less than 25sqm of on-site habitat.

7.8 Any other harm and Very Special Circumstances

- 7.8.1 As set out within the Green Belt section of this report, the proposed development is inappropriate development and would not preserve the openness of the Green Belt. The level of harm to the Green Belt, for the reasons given in the previous section of this report, is assessed as medium to low.

- 7.8.2 In terms of any other harm, the proposed development is considered to result in a low level of less than substantial harm however this harm is judged to be outweighed by public benefits, and as such meeting the Heritage tests of the NPPF.
- 7.8.3 The NPPF is clear at Paragraph 153 that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.
- 7.8.4 As remarked upon in the previous sections of this report, the proposed development is considered to result in public benefits. In this case, there would be a significant upgrade to the actual and perceived security of the school perimeter which, as existing, is open but for a low wall, particularly the playground area. This would provide greater peace of mind to parents, staff, and students that the entire school site is secure throughout the day. In addition, clear and physically defined pedestrian and vehicle entrances would improve the safety during pick-up and drop-off times. It is considered that these factors are material considerations which collectively would constitute very special circumstances which would outweigh the inappropriateness of the development and the harm to openness of the Green Belt.
- 7.8.5 As such the proposal is acceptable in accordance with Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

8 Recommendation

- 8.1 That **PLANNING PERMISSION BE GRANTED** subject to the following conditions:
- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.
- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 0778-PL-100, 0778-PL-101, 0778-PL-102, 0778-PL-103 B
- Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, area and Heritage Assets, the residential amenity of neighbouring occupiers, and the openness of the Metropolitan Green Belt in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM3, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), the Chorleywood Neighbourhood Plan (adopted 2021), the Chorleywood Common Conservation Area Appraisal (adopted 2010), and the NPPF (2024).
- C3 Any salvageable flint shall be repurposed in the development where possible. Details of which may be submitted to and approved in writing by the Local Planning Authority under the provisions of Condition 4.
- Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), and the NPPF (2024).
- C4 Prior to the commencement of works above ground level, samples and details of the proposed materials and finishes, including details of brick, flint, mortar, railings, gates, and fencing shall be submitted to and approved in writing by the Local Planning

Authority. The development shall thereafter be completed only in accordance with the details approved by this condition.

Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), and the NPPF (2024).

Informatives

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application and include a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

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

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public

footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the district.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development below the de minimis threshold, meaning development which:

- a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set

out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised, and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

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PLANNING COMMITTEE – 17th April 2025

24/1670/FUL – Part single, part two-storey rear extensions, front porch alterations; alterations to roof to allow habitable accommodation including removal of chimney and increase in ridge height, rear dormers and roof lights; alterations to fenestration and internal alterations; construction of two-stepped rear patio area; construction of basement; alteration of existing garage to allow use as part garage, part annexe, including extension to existing garage and roof alterations to allow for habitable accommodation including increase in ridge height, dormers and roof lights; erection of an outbuilding to the rear at Banstead Down, Old Chorleywood Road, Rickmansworth, Hertfordshire, WD3 4EH

Parish: Batchworth Community Council
Expiry of Statutory Period: 16.12.24.
Extension of Time: 22.04.25

Ward: Rickmansworth Town
Case Officer: Clara Loveland

Recommendation: That planning permission be granted.

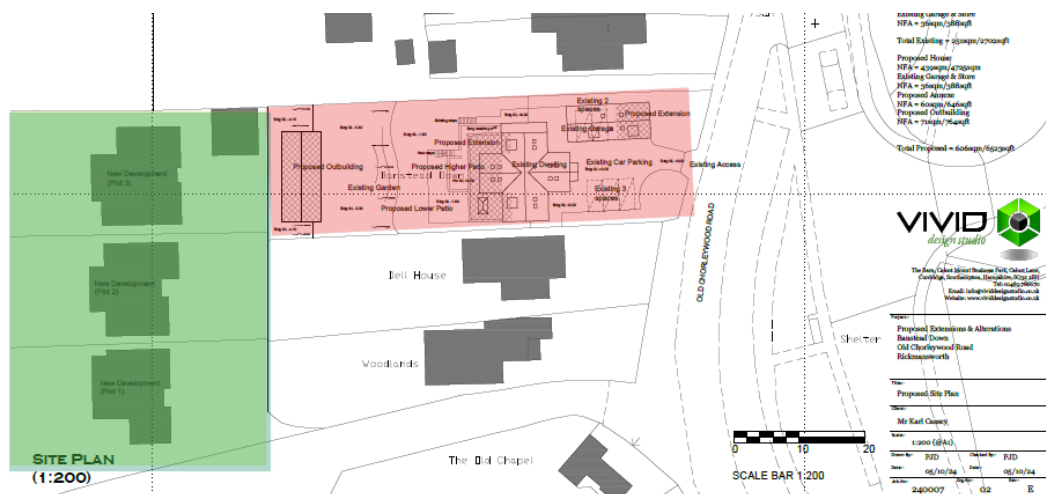
Reason for consideration by the Committee: Batchworth Community Council called in if Officers are minded to approve for the reasons set out at paragraph 4.1.2.

To view all documents forming part of this application please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SLHJDWQFLMA00>

1 Relevant Planning History

- 1.1 It should be noted that the application site was once larger and historically subdivided. The rear parcel of land beyond the rear boundary of this application is known as Land to the rear of Banstead Down. The rear parcel of land has gained planning permission for three new dwellings (24/1125/FUL, 24/0120/FUL, 23/1809/FUL, 23/1143/FUL, 23/0856/FUL which followed an allowed planning appeal (PINS ref APP/P1940/W/19/3242846)). The new dwellings are known as Cedar House, Shoreham House and Rosewood and all are served by an access via Old Chorleywood Road. The houses remain under construction.
- 1.2 The abovementioned three new dwellings are located on a rear parcel of land unrelated to this planning application site and do not form part of this planning application. The image below indicates the area of the three new dwellings shaded in green with the application site shaded in red.



- 1.3 Relevant planning applications related to Banstead Down include the following:

- 1.3.1 8/410/90 – Conservatory. Approved and implemented.
- 1.3.2 8/408/75 - Replacement garage with storage accommodation. Approved and implemented.
- 1.3.3 8/333/75 - Single storey rear extension. Approved and implemented.
- 1.3.4 8/33/75 - Two storey extension. Approved. Not implemented.

2 Description of Application Site

- 2.1 The application site contains a two-storey detached dwelling on the western side of Old Chorleywood Road in Rickmansworth. The wider street is largely residential, with dwellings of varied designs located on large plots set back from the highway.
- 2.2 The application dwelling has gable ends with large two-storey front and rear gable projections. It is finished in painted render, red brick and Mock Tudor cladding is found within the front and rear gables. To the rear, there are 2 flat roof rear/side projections and a rear conservatory.
- 2.3 The application dwelling is set back from the highway with a driveway that can accommodate at least 3 vehicles. There is a detached garage forward of the dwelling with a gable end roof form.
- 2.4 To the rear of the dwelling there is a raised patio which steps down to a lower, stepped rear garden. The rear garden is enclosed by a mixture of brick walls, close boarded fencing and hedging. Land levels reduce steeply to the rear in a westerly direction.
- 2.5 Within the site there is 1 tree protected by a Tree Preservation Order (TPO – 0063); a Yew (on the front boundary).
- 2.6 The adjacent neighbour, No. 5 Bankside Down is located at a lower land level, north of the application site. No. 1 Bankside Down also to the north is separated by an access road leading to No.5. Bankside Dell. Dell House to the south of the application site is built along a similar building line.
- 2.7 The parcel of land to the rear of this application site has ongoing works in relation to the permissions referred to at 1.1 above. The three new dwellings undergoing construction on the rear parcel of land are at a lower land level and front the rear boundaries of Banstead Down, Dell House and Woodlands. The new dwelling within Plot 3 would be closest to application site and would be set some 13m beyond the rear boundary of Banstead Down, at a lower level.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for a part single, part two-storey rear extensions, front porch alterations; alterations to roof to allow habitable accommodation including removal of chimney and increase in ridge height, rear dormers and roof lights; alterations to fenestration and internal alterations; construction of two-stepped rear patio area; construction of basement; alteration of existing garage to allow use as part garage, part annexe, including extension to existing garage and roof alterations to allow for habitable accommodation including increase in ridge height, dormers and roof lights; erection of an outbuilding to the rear.
- 3.2 During the application the amendments were provided, and the description was updated to reflect the amended proposal. The following changes have been made to the initial proposal:
 - Basement reduced in depth by 0.9m.

- Single-storey rear extension reduced in depth by 1m.
- Two-storey central rear projection reduced in depth by 0.6m.
- Front dormers removed and replaced with roof lights.
- Rear dormer windows reduced from 3 pane to 2 panes.
- Rear raised patio removed and replaced with a two-height stepped patio (higher and lower patio area created).
- Rear walk-on balcony omitted.
- Garage extension reduced in width by 2m.
- Outbuilding reduced in width by 2.4m and depth by 0.5m.
- Submission of Arboricultural Report.

3.3 The full description of the amended plans is as follows:

Extensions to the dwelling

- 3.4 The ground floor element of the rear extension would have a depth of 5.2m and a width of 13.6m. It would have a parapet roof with a height of 3.4m. There would be a roof lantern within the flat roof.
- 3.5 The first floor element of the rear extension would be stepped, ranging from 1.5m in depth to 3.4m in depth, the latter of which relates to the central rear projection. The extension would have a total width of 13.6m across the rear elevation with the central projection measuring 6.1m in width. The two-storey rear projection would have a gable end roof with a ridge height of 9.2m. To the rear of the master bedroom, there would be a Juliet balcony.
- 3.6 The existing roof would be removed and replaced with a new roof which would be raised from the existing main ridge line by 0.7m, increasing from 9.3m to 10m in height. Within the newly created rear roof slope, two flat roofed dormers would be added. The dormers would have a width of 1.5m, depth of 1.5m and a height of 2m. Roof lights would be added to the flanks of the front and rear gable projections. A chimney would be removed, with the other remaining in situ.
- 3.7 The existing front entrance would be widened and a new porch canopy added. The porch canopy would have a gable roof with a height of 4.2m. It would have a width of 3m and a depth of 1.4m.
- 3.8 The existing side projection roof (mono pitched roof) located along the northern flank wall would be raised by 1m from 3.7m to 4.7m.
- 3.9 All the windows would be replaced and some windows re-positioned across the elevations.
- 3.10 A basement is proposed, to project 5m beyond the rear wall with a width of 13.8m, flush with the southern flank wall. The plans indicate it would have a depth of 2.8m below the ground floor.
- 3.11 The extensions to the dwelling would result in an increase of 1 bedroom from the existing.
- 3.12 A raised patio is shown on the plans to the rear of the proposed ground floor. This would have a higher part with steps to a lower part. The higher part would have a depth of 3.1m and width of 5.3m. It would be located centrally within the rear elevation, set off the boundary

with Dell House by approximately 6m. The lower part would have a depth of 6m and would extend across the width of the dwelling.

- 3.13 The extensions and alterations are proposed to be finished in materials to match the existing dwelling. However, no specification of the schedule of materials has been provided. The plans indicate that the new windows would not match the existing dwelling and would have a more modern appearance.

Garage

- 3.14 The existing garage would be extended to the side by a width of 5.2m and depth of 5.5m. The ridge line would be raised by 0.5m, increasing from 2.6m to 3.1m. Within the new roof two flat roofed dormers and two roof lights would be added within the front elevation. Within the rear roof slope, two roof lights would be added. The front dormers would have a width of 1.4m, a depth of 0.8m and a flat roof with a height of 0.9m. The extensions to the garage would result in a 1-bedroom annex with a kitchen, dining room and bathroom whilst maintaining a garage space and small store.

Outbuilding

- 3.15 The outbuilding would be located to the rear of the application site. It would have a width of 13.8m and depth of 6m. It would have a gable roof form with a height of 4.4m. It would serve a gym, snug and office. No details have been provided on the external finish of the outbuilding.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Due to an initial description change, re-consultation occurred. Subsequent description changes occurred following amendments and a second re-consultation occurred. The second consultation expires on 14th March 2025. Verbal updates will be provided at the planning committee.

- 4.1.2 Batchworth Community Council: [Objection and called into Committee]

- 4.1.3 BCC initially raised objection comments on 13th November 2024 however, these were amended on 19th November 2024. The amended comments are as follows:

"BBC strongly objects to this application on the following points. Lack of detail concerning the construction of the basement plan. The changes to the garage space creates a new self contained 'studio apartment' which is NOT a subsidiary annexe to the main dwelling. The construction of the outbuilding increases the total plot coverage. Due to the topography of the site this will impact the drainage and the properties at the rear.

The first-floor balconies and the second-floor dormers will overlook and be detrimental to the privacy of neighbours. There are other issues to which we object and therefore BBC requests that this application be called in to committee unless officers are minded to refuse."

- 4.1.4 TRDC Tree and Landscape Officer: [Advisory comments]

"I haven't been able to find an AIA or TPP in these documents or online – I think we'd really need to see a calculation of the tree's RPAs and any works due to take place within them, or recommendations for protection, in order to comment."

- 4.1.5 TRDC Tree and Landscape Officer: [Comments received 26.03.26 following submission of Arboricultural Method Statement]

“We would recommend approval based on the Arboricultural Method Statement provided. However, as there are 4 trees due to be removed to facilitate the development, we’d also like to request a condition outlining replacement planting details.”

4.1.6 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 No. consulted: 11.

4.2.2 Re-consultation 1: 11.

4.2.3 Re-consultation 2: 15 (including Plots 1-3 to the rear of Banstead Down known as Rosewood, Cedar House and Shoreham House).

4.2.4 The second consultation expired on 14th March 2025.

4.2.5 No. of responses at the time of writing this report: 5 (objections) across both consultations.

4.2.6 Summary of responses:

- Garage extension overlooks our property and the neighbouring one, comprising privacy.
- Disrupts the flow of natural light, creating a dark and gloomy atmosphere. Overshadowing.
- First-floor balcony will overlook adjacent properties.
- Excessively large development and not in character with the surrounding area.
- Seems unlikely a qualified architect could have overlooked issues in the original plan.
- Loss of privacy.
- Loss of light.
- Overbearing impact/ negative visual impact.
- New 2-bedroom house would block sunlight.
- New 2-bedroom house is more than double the footprint of the existing building line, would be overbearing and obliterate sunlight.
- 17/2325/OUT was refused for many reasons that are objected too in this application. The dimensions in 24/1670/FUL and similar to those in 17/2325/OUT.
- Developments have submitted a cynical and exploitative planning application. Intentions to building a 7000+ ft monstrosity which will overlook in huge proportions. The 2 adjacent homes already built overlook.
- The plans fail to demonstrate the impact of overlooking of those dwellings adjacent at the bottom of the steep slope of the Drive.

4.2.7 Officer comment: As highlighted above in **paragraph 1.1**. The rear parcel of land known as Land to the Rear of Banstead Down has gained planning permission for three new dwellings (24/1125/FUL, 24/0120/FUL, 23/1809/FUL, 23/1143/FUL, 23/0856/FUL and the allowed appeal (LPA ref: 19/0051/MATREF, PINS ref APP/P1940/W/19/3242846)). The

three new dwellings are not related to this application site and do **not** form part of this committee application.

4.2.8 Site Notice: Posted 30.10.24. Expired 20.11.24.

4.2.9 Press notice: Not required.

5 Reason for Delay

5.1 Amended plans and Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

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

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

The Environment Act 2021.

6.2 Planning Policy and Guidance

National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following

Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM9, DM13 and Appendices 2 and 5.

TRDC has published a Decision Statement in respect of the Batchworth Neighbourhood Plan 2023-2038 (Submission Version) and on the basis that it is now proceeding to referendum in May 2025, in accordance with PPG significant weight can be given to the plan in Decision Making. Relevant policies include Policies BW GB1 and BW DE1.

Other

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

7 Planning Analysis

7.1 Design and Impact on Character and Appearance of the host dwelling and wider streetscene:

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.1.3 As set out in Appendix 2, new development should not be excessively prominent in relation to adjacent properties or general street scene and should not result in a loss of light to the windows of neighbouring properties nor allow for overlooking. In relation to rear extensions, single storey rear extensions to detached dwellings should generally have a maximum depth of 4m. The Design Criteria states this distance may be reduced if the extension would adversely affect adjoining properties or is unduly prominent. Appendix 2. Further, two storey rear extensions in terms of size and volume will be assessed on its individual merits according to the characteristics of the particular property. Front extensions will be assessed on their individual merits but should not result in loss of light to windows of a neighbouring property nor be excessively prominent in the street scene. In relation to roofs, increases to ridge height will be assessed on their own merits at the time of a planning application. Dormer windows should always be subordinate to the main roof. They should be set below the existing ridge level, set in from either end of the roof and set back from the plan of the front or rear wall. They should respect the character of the house if possible.
- 7.1.4 Policy BW DE1 sets out that new development in the Batchworth Neighbourhood Plan area shall be based upon a design-led approach to development underpinned by good practice principles and reflecting a thorough site appraisal. Respond positively to guidance and principles established in the Batchworth Neighbourhood Design Code, including but not limited to prevailing building heights, materials, development frontages, plot widths, boundary treatments and street enclosure. The Design Code more particularly sets out that the application site falls within special Character Area 3 (Moneyhill).

Extensions to the dwelling

- 7.1.5 The proposed development would involve part single, part two-storey rear extensions. In this case, one part of the two-storey element of the rear extension would be centrally positioned within the rear elevation, set in from each flank and due to this, would not be

visible from the wider street. The other part of the two-storey extensions would hold a depth of 1.5m on each side of the central projection and would be recessed some 3.4m from the proposed central projection. These areas would be set flush with the flank walls and not readily visible from the wider street. When read against the backdrop of the existing dwelling, the two-storey rear extensions would be appropriately scaled so as not to overwhelm or compete with the host dwelling. This would comply with Appendix 2 indicating that two-storey rear extensions in terms of size and volume will be assessed according to the character of the property. The single-storey rear element of the proposal would extend to a depth of 5.2m which would not comply with the guidance within Appendix 2 indicating that a 4m depth for single-storey rear extensions would generally be acceptable. Despite this, this part of the extension would not be visible from the wider street and when viewed from the rear, would not overwhelm or consume the host dwelling. When considering the rear extensions combined, it is recognised that they would be large and add additional bulk to the dwelling. However, they would be of a scale and volume that would not compete with or overwhelm the existing dwelling and would not be visible from the wider street or become a prominent feature in this regard. It is also noted that the wider street and the immediate vicinity contains a varied mixture of dwellings, many of which have been extended and altered with the rear extensions not being dissimilar in scale to many others nearby. Added to this, the site plot is large and could facilitate the development of this scale without resulting in the overdevelopment of the host dwelling or site. Considering these factors, the proposed rear extensions are not considered to arise in any demonstrable harm to the character and appearance of the host dwelling or wider street.

- 7.1.6 The proposal also involves the increase in ridge height of the dwelling by 0.7m which would be visible from the wider street. Although visible, the host dwelling is set within a wider street of varied dwellings with differing ridge heights and styles and due to this, there is scope for such alterations within the area. The host dwelling is also set back from the public highway by some 20m where the land levels begin to lower. The dwelling frontage is also screened by mature vegetation which exists along the front boundary. Due to these factors, the prominence of the increase in ridge height would be somewhat mitigated and less noticeable. Notwithstanding this, any views that would be possible of the ridge would be read in conjunction with the remainder of the dwelling. When reading the increased ridge with the rest of the dwelling, the overall form and character of the dwelling would be retained. For these reasons, the increase in ridge height is considered acceptable. The roof alterations would result in the loss of 1 chimney. Whilst this is not favoured, this would not significantly alter the overall character and appearance of the dwelling and would not amount to undue harm. The rear dormers would be small in scale and subordinate to the rear roof slope which would comply with the guidance in Appendix 2 indicating that dormer windows should be set in from the flanks, set down from the ridge and up from the eaves. The proposed roof lights would also be small in scale and would not overwhelm or detract from the roof slopes.
- 7.1.7 The proposed front porch canopy would enlarge the entrance compared with the existing dwelling and as a result, increase its prominence. However, in this case, due to the positioning of the dwelling, being set back from the highway, coupled with the overall scale and design of the front porch, it would not unacceptably erode the character and appearance of the host dwelling or wider street and compliant with the guidance related to front extensions in Appendix 2.
- 7.1.8 The submitted plans indicate that the windows throughout the dwelling would be replaced. No schedule of materials of window types have been submitted, although this could be secured by condition. From the submitted details, the window form, size and profile appear more contemporary than the existing dwelling. Despite this, they would also be appropriate for the host dwelling and in keeping with the variety of styles and designs across the immediate vicinity.

- 7.1.9 The proposed basement would add a sizable floor space to the host dwelling. However, this would be below ground level and not visible from the wider street or within the site plot. Therefore, it would not have an adverse impact on the character and appearance of the host dwelling or wider street. Notwithstanding this, to ensure that any excess soil is not spread over the application site (which would impact on the topography of the site and could impact on the amenities of neighbours and the health of protected trees), the removal of soil off the site could be secured by condition.
- 7.1.10 The proposed rear patio would be set across two levels with a higher area of the patio stepping down to a lower area of the patio. The higher area of patio would be set in line with the floor level of the ground floor and entered from the central rear opening doors. The lower area of patio would be set in line with the existing lower ground level to the rear of the dwelling. Due to the size, extent and positioning of the rear patio areas, these would not be visible from the wider street. Added to this, the patio area would be of an appropriate size to facilitate the use of the extensions at the site. Furthermore, when accounting for the site plot which is large, it can facilitate this scale of development. Furthermore, when considering the land levels at the site the stepped patio area would be appropriate for the site.
- 7.1.11 In terms of design, the rear extensions, ridge height increase, roof extensions and front porch canopy would have roof formations which would be in keeping with the character and appearance of the host dwelling. The development would also be finished in materials to match the existing dwelling which would help to reduce its overall prominence and appearance. Some of the impacts of the development would also be mitigated by the site land levels, the setback positioning in the plot and mature vegetation at the site. It is also noted that the wider street is highly varied with dwellings of different styles, forms and designs within the immediate vicinity. Due to this, and for the reasons set out, the extensions to the dwelling would not unacceptably erode the character of the dwelling and be in keeping with the area noting that a range of different extensions and dwelling styles exist. It would also not overwhelm the host dwelling and would not be out of character or unduly prominent when viewed in the context of the host dwelling or wider street.

Garage

- 7.1.12 The proposed development would also involve the extension of the existing garage and its conversion into an annexe. The extensions, which would include bringing the garage closer to the front boundary, an increase in ridge height and insertion of front dormer windows, would add bulk and prominence to the existing garage. However, the extended garage would be set back from the highway by some 8m and screened by the existing vegetation which exists to the site frontage. Added to this, the northern neighbours are sited forward of the host dwelling and the positioning of the garage would respect the building line in this regard. This would mitigate some of the impact of the extension and alleviate some of its perceived bulk. Added to this, the application site is large and can accommodate additional built forms of this scale. The dormers and roof lights would also be small in scale and subordinate to the roof slopes. Whilst adding built form to the garage, it would remain an ancillary building in terms of its form, size, design and positioning and would not compete with the host dwelling. In terms of design, the extensions to the garage would be in keeping with the host dwelling.
- 7.1.13 The garage extensions would facilitate the creation of a 1-bedroom annexe, i.e. ancillary accommodation, not a separate independent dwelling. Subject to a condition to ensure that the annexe would not be subdivided, physically separated, sold or let off, no objection is raised to the creation of the annexe.

Outbuilding

- 7.1.14 The proposed outbuilding would be located to the rear of the application site and therefore, would not be visible from the wider street. It is acknowledged that the outbuilding would have a large scale and extend across most of the site plot. However, it is also noted that

the outbuilding would be set some 1.7m from the rear boundary, 2m from the southern boundary and 3.5m from the northern boundary. It would also be set in the lowest part of the application site, mitigating some of its perceived bulk. When considering scale, the site circumstances and the site plot are large, it can accommodate this scale of development without resulting in overdevelopment. Added to this, the building form would be ancillary to the host dwelling. When considering the use, it is proposed that the building would be used as a gym, snug and office. Subject to a condition that the building remains an ancillary and incidental use, no objection is raised in this regard.

Summary

- 7.1.15 In summary, subject to conditions, proposed development would not result in harm to the character and appearance of the existing dwelling and wider street scene. The development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD and Policy BW DE1 of the Batchworth Neighbourhood Plan 2023-2038 (Submission Version).

7.2 Impact on the amenities of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. The Design Criteria states that rear extensions should not intrude into a 45-degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property.

Dell House

- 7.2.3 The proposed rear extensions to the dwelling would increase the built form closest to Dell House, which is located immediately to the south of the dwelling. As such, from this neighbour's perspective, the extensions would in some form be noticeable. However, in this case, the rear extensions would extend broadly in line with Dell House which currently extends further rearwards in depth than the application dwelling. Furthermore, the two-storey rear extension would be set in from the southern flank wall by some 4.3m and it would not intrude into a 45-degree splay line when drawn from a corresponding point on the boundary line. Added to this, Dell House is favourably positioned to the south which would limit any overshadowing or loss of light as experienced by this neighbour. The visual bulk, massing and impact of the extensions would therefore be mitigated by these factors. When considering the site context and plot sizes, it is considered that these elements of the proposal would not amount to detrimental harm by way of intrusion or loss of light on this neighbour, nor would they be overbearing.
- 7.2.4 The proposal also involves a raised patio area, split across two levels. The higher patio level would extend in line with the ground floor. However, it would be set in from the boundary line with Dell House by approximately 6m and would have a limited width of 5.3m and depth of 3.1m. The lower area of the patio would be in line with the existing garden level to the rear of the dwelling and not give rise to any harmful levels of overlooking. Given the land levels, it is not uncommon for a raised patio area to facilitate rear access from the dwelling into the rear garden. Furthermore, in this case, as the raised part of the patio would be of a limited depth and set in sufficiently off the boundary line it is considered that any views across to Dell House would be limited and not arise in any harmful loss of privacy or overlooking. Added to this, the land levels at Dell House also appear to reduce towards the rear of the site and there is some boundary screening which would also help to obscure any

views. When considering these circumstances, it is considered that the raised patio area would not result in any harmful loss of privacy for this neighbour.

- 7.2.5 The garage alterations would have no adverse impact on this neighbour due to its position to the northern side of the site frontage and that it would be screened by existing vegetation at the site.
- 7.2.6 The rear outbuilding would be located to the rear of the application site, on the lowest ground level. It would also be set off the boundaries and set away from the rear of this neighbour by some 20m. Given the position of the outbuilding relative to this neighbour, it would not amount to any harmful loss of light or intrusion. When considering its use, it would be ancillary (secured by condition) which is not considered to have any more comings, goings or activity over and above the existing residential use. Therefore, it is considered the outbuilding would not amount to any adverse harm on this neighbour.

1 Bankside Down

- 7.2.7 When considering any impact on No.1 Bankside Down (to the north of the application site), the extensions to the dwelling would be set in from the northern boundary line by some 5m. Added to this, No. 1 Bankside Down is set off the boundary line and separated from the application site by the access road leading to No.5 Bankside Down. In this case, No.1 Bankside Down is set further forward than the host dwelling and as such, the houses are built along staggered building lines. Whilst extending further than this neighbour, this is not uncommon along this stretch of Old Chorleywood Road and when accounting for the separation distance between the dwellings, the visual bulk and massing and impact of the extensions would therefore be mitigated by the site circumstances. When considering the site context and plot sizes, it is considered that these elements of the proposal would not amount to detrimental harm by way of intrusion or loss of light on this neighbour, nor would they be overbearing.
- 7.2.8 The proposed garage alterations and extensions would be closest to this neighbour and likely visible from this neighbour's perspective. Although visible, as highlighted above, this neighbour is separated from the application site by the access road to No.5 Bankside Down. When considering the scale of the extensions of the garage coupled with its positioning on the plot in relation to this neighbour, there would be no adverse harm to this neighbour by way of intrusion, or loss of light nor would this part of the development be overbearing. When accounting for the use of the annexe, this would have 1 bedroom and there could be more comings and goings associated with this use. However, it is considered that the additional annexe bedroom would not result in any activity over and above any other similar-sized residential dwelling and thus, would not amount to any additional adverse harm in this respect. In any instance, a condition would be added to secure its use to remain ancillary to the host dwelling.
- 7.2.9 Due to the separation of the raised rear patio area from this neighbour coupled with the boundary treatment, this would not amount to any harmful overlooking or loss of privacy to this neighbour.

Plot 3, Land to rear of Banstead Down

- 7.2.10 When considering the rear neighbour, Plot 3 (Cedar House) land to the rear of Banstead Down, this building would be located on a significantly lower land level compared to the application site. This building is not occupied and remains under construction. Notwithstanding this, the proposed dwelling extensions would be separated from the rear boundary by some 30m. When accounting for the lower land level of the dwelling on Plot 3 and the separation distance, it is considered that the extensions to the dwelling would not amount to detrimental harm by way of intrusion or loss of light on this neighbour, nor would they be overbearing.

- 7.2.11 The outbuilding would be located closest to this neighbour and would likely be partly visible from this neighbour's perspective. However, as shown in the picture below, views of Banstead Down are limited due to the land level differences between the sites. Therefore, any perceived bulk, or massing arising from the outbuilding would be somewhat limited. In any instance, the outbuilding would be set some 1.7m from the rear boundary with this neighbour. This neighbour also fronts the rear of Banstead Down and would be positioned some 13m into Plot 3 which would add further separation distance between the outbuilding and this neighbour. In addition the plans for the Plot 3 (LPA reference 24/0120/FUL) indicate that this neighbour would also benefit from a detached garage which would result in an intervening structure between the sites. For these reasons, it is considered that the proposed outbuilding would not amount to any harmful intrusions, loss of light or privacy on this neighbour.
- 7.2.12 The garage alterations would have no adverse impact on this neighbour as it would be located to the front of the application site and be screened by the existing dwelling.



[Above: Picture looking east toward site from Plot 3 / Cedar House]

All neighbours

- 7.2.13 It is recognised that the Master bedroom would have a rear Juliet balcony and below this, there would be a flat roof. The use of the flat roof as a balcony would give rise to elevated views and both actual and perceived overlooking across to neighbours. It is therefore considered reasonable and necessary to ensure that before occupation the Juliet balcony is in position and that the flat roof could only be used for maintenance rather than any form of elevated balcony. Thus, it would be reasonable and necessary to secure these by condition.
- 7.2.14 The dormer windows and roof lights would be small in scale and not give rise to any unacceptable overlooking or loss of privacy, subject to a condition to ensure that the roof lights would be appropriately positioned within the flank (1.7m from the internal floor level). The window additions and replacements would have a size and profile similar to that of the existing dwelling and would not give rise to any materially different outlook from the existing dwelling and would primarily overlook the application site.

- 7.2.15 When considering the site circumstances and the positioning of the outbuilding, set in from the boundaries as well as its overall scale and form, it would not arise in any adverse harm to any neighbours.
- 7.2.16 The basement would be below the ground level and have no adverse impact on any neighbour.

Summary

- 7.2.17 Although increasing the size and bulk of the dwelling, subject to conditions, the proposed development is not considered to result in any adverse impact upon neighbouring properties and is acceptable in accordance with Policy C12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

7.3 Rear Garden Amenity Space Provision

- 7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 7.3.2 The application site would result in the retention of approximately 500 sqm which would be sufficient for the replacement dwelling future occupiers.

7.4 Trees and Landscaping

- 7.4.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.4.2 The application site is not located within the conservation area, however, there is one individually protected tree on the site covered by TPO 063. Initially, the application was not accompanied by any tree protection details and a Tree and Landscape Officer commented that in order to provide a comment, calculations of the root protection areas in relation to any works would need to be provided along with any recommendation for protection. During the application an Arboricultural Method Statement was submitted (ecourban, produced by Barrie Draper, dated 25 March 2025). The statement includes a tree protection plan setting out how the retained trees, including the protected tree to the front would be safeguarded during development. The statement outlines that a total of 4 trees, identified as T001 Western Red Cedar (located to the front) and G011 (Mixed species) (located to the rear) would be felled.
- 7.4.3 A Tree Officer was consulted on the submitted tree details and raised no objection to the proposed protection methods however suggests that tree replanting take place due to the proposed loss of the trees. When considering the development and the proposed methods it is considered reasonable and necessary to secure that the protection methods are carried out in accordance with the approved details pre-commencement. Furthermore, that tree-replanting is secured by condition.

7.5 Highways, Access and Parking

- 7.5.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards and dictates that dwellings with four or more bedrooms should provide three off-street parking spaces.

- 7.5.2 The proposed extended dwelling would have five bedrooms. The proposed annexe would have another bedroom. As such, there would be 6 bedrooms total at the site which would require 3 spaces. This application seeks to retain the existing on-site 3 driveway and 1 additional garage space. This would accord with the guidance within Appendix 5.

7.6 Wildlife and Biodiversity

- 7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

- 7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

7.7 Mandatory Biodiversity Net Gain

- 7.7.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions.

- 7.8 Policy BW GB1 of Batchworth Neighbourhood Plan 2023-2038 (Submission Version) sets out that Development proposals must manage impacts on biodiversity and secure a minimum net biodiversity gain of 10% on site, unless impractical given site constraints, as demonstrated through use of the most up-to-date version of Natural England biodiversity metric (or any successor document to this) and submission of a biodiversity net gain plan submitted as part of planning application material.

- 7.8.1 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to a householder planning application.

8 **Recommendation**

- 8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

Time

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

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

In accordance with plans

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 02 REV E; 03; 04; 05 REV B; 06 REV B; 07 REV A; 08 REV A; 09 REV C; 10 REV B; 01 REV A.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM9, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Batchworth Neighbourhood Plan (2025).

Tree Protection and Method Statement

- C3 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works including ground protection, in accordance with the Tree Protection Plan contained within the submitted Arboricultural Method Statement (Report Ref 251661 – AMS dated 25 March 2025 by ecourban.

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

Reason: This condition is a pre-commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

Hard and Soft Landscaping Plan

- C4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, including details of trees to be planted to mitigate for the proposed tree removals, and a specification of all hard landscaping including locations, materials and method of drainage. This shall include details of the specification of hard and/or soft landscaping including any levels changes relative to the existing levels to reinstate the ground within the root protection area of the protected trees on site as defined on the submitted Tree Protection Plan within the submitted Arboricultural Method Statement, and as identified on Drawing No. 02D.

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

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

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the

completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

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

Construction Management Plan

- C5 Prior to the commencement of the development hereby permitted, a detailed Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- Construction vehicle numbers, type and routing to/from the site, including details of vehicles attending for spoil removal;
- Details of how spoil will be removed from the site, and where it would be removed to;
- Confirmation that all spoil arising from the excavation of the basement and foundations shall be removed from the site in accordance with the details above and will not be spread or redistributed across the application site.
- Access arrangements to the site, including the access points to be used for specified construction activities, including deliveries, and the use of banksmen;
- Siting and details of wheel washing facilities;
- Cleaning of site entrances, site tracks and the adjacent public highway;
- Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;

Reason: This is a pre-commencement condition to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

External Material Details

- C6 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

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

Rooflights

- C7 Before the first occupation of the replacement dwelling, the rooflights hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted

October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Juliet Balcony

- C8 Before the first use of the Master Bedroom hereby permitted, the Juliet Balcony as shown on plan numbers 05 REV B and 06 REV B shall be fitted and maintained as such thereafter in terms of its height, obscurity level, design and siting.

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

Flat Roof Access

- C9 The rear flat roof to the sides and rear of "Master Bedroom", "Bedroom 2" and "En-suite" as shown on plan numbers 05 RE B and 06 REV B shall only be used in connection with repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

Ancillary annexe

- C10 The annexe (as shown on drawing number 07 REV A) hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to the residential dwelling located on the site and will remain functionally linked to the dwelling and shall not be used as an independent dwelling at any time or shall it be sold or let off.

Reason: The creation and use of a separate and independent unit would not comply with Policies CP1, CP4, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Ancillary outbuilding

- C11 The rear outbuilding (as shown on drawing number 08 REV A) hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to the residential dwelling located on the site and will remain functionally linked to the dwelling and shall not be used as an independent dwelling at any time or shall it be sold or let off.

Reason: The creation and use of a separate and independent unit would not comply with Policies CP1, CP4, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives

I1

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application and accompanied by a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

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

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{\b (a)} Making a Non-Material Amendment

{\b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary).

In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information

on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

- 15 If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section of Thames Water's website.

**24/1670/FUL– Banstead Down, Old Chorleywood Road, Rickmansworth,
Hertfordshire, WD3 4EH**



**24/1670/FUL– Banstead Down, Old Chorleywood Road, Rickmansworth,
Hertfordshire, WD3 4EH**



PLANNING COMMITTEE - 17 APRIL 2025

25/0288/FUL - Erection of a single storey detached building for educational purposes at CHORLEYWOOD MONTESSORI SCHOOL, CHORLEYWOOD HOUSE ESTATE, RICKMANSWORTH ROAD, CHORLEYWOOD, WD3 5SL

Parish: Chorleywood

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: EOT: 22.04.2025

Case Officer: Claire Wilson

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: The application has been brought to committee as Three Rivers have ownership of the land.

To view all documents forming part of the application, please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SRV8T9QFN3900>

1 Relevant Planning History

- 1.1 06/2078/FUL: New disabled ramp to the front of the building. Application permitted.

2 Description of Application Site

- 2.1 The red line defining the application site contains an area of hardstanding used for car parking, the existing access to an enclosed external play area and the main vehicular access serving Chorleywood Montessori Nursery School. The wider blue line contains the existing buildings which form the existing Nursery School and the existing outdoor play area. The site is located within the grounds of Chorleywood House (a Locally Important Building), with vehicular access down Lady Ela Drive accessed from Rickmansworth Road.
- 2.2 The existing nursery consists of a single storey detached building which sits at a slightly higher land level relative to the ground level of the wider site. This is timber clad with a pitched roof form. Located immediately adjacent to this is a further detached single storey building which contains the office associated with the nursery. It is understood from the supporting statement that the nursery can accommodate 37 children at any one time and operates Monday - Friday, 8am-6pm.
- 2.3 Located forward of the existing building is an area of hardstanding which provides provision for off street car parking. Forward of this is an enclosed outdoor play area. To the west of the site are two further detached buildings which are not used in connection with the nursery. Located to the east of the site is Chorleywood Football Club which includes an existing single storey detached building and playing pitches.
- 2.4 The application site is located within the Metropolitan Green Belt and National Landscape Area. As noted above, Chorleywood House is a Locally Important Building.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for the erection of a single storey detached building for educational use.
- 3.2 The proposed building would be sited forward of the main nursery building and would be sited on an existing area of hardstanding, a minimum distance of 1.8m from the eastern boundary of the site. It would have a maximum width of approximately 14.6m and a depth

of 7.9m. In terms of appearance, the building would have a pitched roof form with gabled ends with a maximum height of 4.6m. The plans indicate that it would be timber clad with a metal roof form with a number of rooflights proposed. A ramped access is also proposed to provide access to the proposed lobby area.

3.3 The building would contain a learning space/playroom, kitchenette, cloakroom and toilets. The new building would accommodate up to 30 additional children. As such, the nursery school would then be able to accommodate a total of 67 children at any one time.

3.4 It is noted that the proposed building would be located on an existing area of hardstanding which currently provides provision for off street car parking, although these bays are not formally marked.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: [Concerns raised]

The Committee had Concerns with this application on the following grounds:-

The proposed new building is located in the Chilterns National Landscape and no rationale has been presented as to how the building will further or enhance that landscape as required by the Levelling-up and Regeneration Act 2023.

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

4.1.2 Local Plans: [No objection]

The Planning Policy team have no comments to make on this application.

4.1.3 Herts Highways: [No objection]

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

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

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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

pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300123 4047.

Comments/Analysis

Description of Proposal: Erection of a single storey detached building for educational purposes (Nursery)

Site and Surroundings: Lady Ela Drive is a private route which is therefore not highway maintainable at public expense, meaning HCC cannot implement any policies or maintenance at the site, making comments advisory only. Lady Ela Drive connects to public right of way Chorleywood Footpath 034 and joins onto the public highway on Rickmansworth Road, a classified A main distributor route subject to a 40mph speed limit. The site is located in a semi-rural area to the north of Chorleywood. The nearest bus stop to the site is an approximate 800m walk.

Access and Parking: The application does not propose to alter any access into the site and there are no works proposed to the public highway. The proposed extension at the site shall increase pupil numbers by 30 according to the Design and Access Statement. The number of trips this would generate on the highway network would not be considered severe. Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that the creation of the extension shall result in a loss of some of the informal parking area, although as there are no marked spaces at the site it has not been stated how many parking spaces are to be lost. As noted within the Design and Access Statement, for the total number of pupils proposed at the site there should be a total of 16 parking spaces; again, due to the lack of formal parking spaces at the site it is not clear what parking shall be available at the site. From the proposed plans it would be assumed that there could be a shortfall in parking at the site, but it is noted that a number of parking areas are located along Lady Ela Drive which would, when available, ensure that any potential overspill parking from the site would not impact upon the public highway. No drop off or pick up of students should occur on the public highway, nor should the nearby public right of way be obstructed at any point by operations related to the nursery. Due to the potential shortfall in parking at the site, sustainable/active travel methods should be promoted and if there is an

existing Travel Plan for the nursery, this should be updated to reflect the smaller parking area.

Emergency Vehicle Access: In accordance with Manual for Streets Paragraph 6.7, the entirety of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. The proposed extension to the site is located closer to Lady Ela Drive than the existing nursery building and it is likely that due to the size of the site, and nearby hardstanding, a fire tender would be able to turn around.

Conclusion: HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the nearby highway and therefore, has no objections on highway grounds to this application. Again, it is to be noted that the site is located on a private route and therefore, these comments are advisory only.

4.1.4 TRDC Property Services: [No comments received]

4.1.5 Landscape Officer: [No objection]

4.1.6 Herts Ecology: [No objection]

Overall Recommendation: Application can be determined with Conditions and Informatives listed

Summary of Advice:

- There is sufficient information on European Protected Species (bats) to allow determination.
- The site claims an exemption from mandatory BNG.

Ecological information referenced:

1. Preliminary ecological Appraisal by Arbtech, 17 January 2025

Ecological Implications

Protected Species: Standard non licenced mitigation measures for bats, nesting birds, reptiles and badgers are outlined in the ecological report and should be followed in full.

Biodiversity Net Gain: The biodiversity gain planning condition does not apply in relation to the following exemption which the applicant states the application meets.

(a) Developments falls Below the de minimis threshold:

A development that does not impact a priority habitat and affects less than:

- 25 square meters (5m by 5m) of on-site habitat.
- 5 meters of on-site linear habitats, such as hedgerows.

The Ecology Service (LEADS) has not undertaken any scrutiny of the validity of the claimed exemption, but taking it on face value in this instance the requirement for mandatory 10% biodiversity gain does not apply.

Ecological Enhancements. The ecological report recommends a number of enhancements. This is welcome and adoption of a range of these would achieve an uplift in biodiversity in line with the aims of the NPPF.

4.2 **Public/Neighbour Consultation**

- 4.2.1 Number consulted: 1
- 4.2.2 No of responses received: None.
- 4.2.3 Site Notice: Expiry: 17 April 2025
- 4.2.4 Summary of Responses: None received to date.

5 Reason for Delay

- 5.1 N.A

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2024 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM3, DM6, DM7, DM9, DM12, DM13 and Appendix 5.

The Chorleywood Neighbourhood Plan (2020). Policies 2 and 8 are relevant.

6.3 Other

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

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

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

7 Planning Analysis

7.1 Principle of Development

- 7.1.1 The Core Strategy (adopted October 2011) sets out a Spatial Vision which states that, looking forward to 2026 and beyond, the District will remain a prosperous, safe and healthy place where people want and are able to live and work. In order to achieve this vision, a number of strategic objectives have been identified, including facilitating the provision of services and infrastructure to meet the needs of existing development and new development. This includes ensuring that all residents have good access to services including education.
- 7.1.2 The proposed development would involve the provision of a new educational building to expand the existing Montessori Nursery within the grounds of Chorleywood House. The supporting information submitted by the applicant cites that Policy DM12 of the Development Management Policies LDD (relating to 'community, leisure and cultural facilities') as relevant to the assessment of the current planning application. The supporting text to Policy DM12 does note schools to be a community use and it is viewed that a nursery/preschool would also fall under this category. The supporting text to Policy DM12 states that the Council; *'will support in principle the implementation of strategies by partner organisations to address deficiencies and to realise enhancements of education, health and cultural facilities which are vital community facilities and measures to make better use of existing facilities. Policy DM12 also states that 'where development proposals are submitted for new or improved community, leisure or cultural facilities, they should be accessible by sustainable modes of transport'.*
- 7.1.3 With regard to the need for the new building, it is understood from the supporting information that the current providers of the Montessori Nursery have operated from their current site for over 13 years. It currently provides an early-years setting for 37 children at any one time (with 51 children currently on roll). However, the existing nursery is operating at capacity, with a waiting list for certain age groups of almost two years; the applicant has also noted that they are currently having to turn away 60% of enquiries on a weekly basis. Furthermore, the statement submitted by the applicant notes that there has been a significant drop in the number of available childcare spaces available.
- 7.1.4 In addition, the demand for early years places has increased as a result of the Government initiative to extend free childcare to support more parents to return to work after their parental leave ends. Two phases of the expansion have already happened as follows:
- Since April 2024, eligible working parents of 2-year-olds have been able to access up to 15 hours of free early education and care per week (over 38 weeks a year).
 - Since September 2024, this has been extended to eligible working parents of children aged from 9 months and above.
- 7.1.5 From September 2025, the final phase will rollout, with eligible working parents being able to access up to 30 free hours per week for children aged 9 months and over. This initiative therefore emphasises the importance being placed upon childcare provision centrally in order to help more parents return to work. Furthermore, this is supported by Paragraph 100 of the NPPF which sets out the following:

It is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

(a) give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications; and

(b) work with early years, school and post-16 promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

7.1.6 Given the demonstrated need for early years places within the locality including the existing nursery already being at capacity, it is considered that the expansion of the existing nursery school would be in accordance with Policy DM12 of the Development Management Policies LDD. Furthermore, the application site is within a key centre, and is therefore considered to be a sustainable location. It is also considered that the expansion of the nursery school is in line with the provisions of the NPPF.

7.1.7 In summary, given the demonstrated need for nursery places within the locality and that the NPPF specifies that significant weight should be given to the need to expand early years settings, the principle of the expansion of the existing nursery is considered acceptable. However, this is subject to assessment against all other relevant material planning considerations as outlined in the analysis below.

7.2 Green Belt

7.2.1 The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. One of the purposes of including land within Green Belt is to safeguard the countryside from encroachment.

7.2.2 The NPPF identifies the five purposes of including land in Green Belts as:

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

7.2.3 Paragraph 153 of the NPPF states 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 and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.2.4 Paragraph 154 of the NPPF states that Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.2.5 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. Policy DM2 of the Development Management Policies sets out that the construction of new buildings in the Green Belt is inappropriate with certain exceptions.

7.2.6 In this case, the construction of a new building for educational purposes would not meet any of the identified exceptions set out in paragraph 154 and therefore would be regarded as an inappropriate form of development. However, it is also necessary to consider the development in relation to paragraph 155 of the NPPF which relates to 'grey belt'. This states that 'the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where all of 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 demonstrable unmet need for the type of the development proposed.
- c) The development would be in a sustainable location with particular reference to paragraphs 110 and 115 of this frameworks.
- d) Where applicable the development meets the 'Golden Rules' requirements set out in paragraphs 156-157.

7.2.7 In considering whether the site would constitute Grey Belt land, reference must be had to Annexe 2 which defines Grey Belt as follows:

'For the purposes of plan- making and decision making, 'grey belt' is defined 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 the policies relating to the areas of assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development'.

7.2.8 With regard to purposes (a), (b) and (d) of including land in the Green Belt, given the location of the site, it is not considered that the site acts to restrict the sprawl of large built -up areas,

nor acts to prevent neighbouring towns from merging into one another. In addition, it is not considered that the site helps to preserve the setting and special character of historic towns. With regard to footnote 7, it is noted that the site is within a National Landscape Area, however, it is not considered that this designation in itself would provide a strong reason for the refusal of the current application. As such, it is considered that the application site would constitute Grey Belt land and consequently, the development can be considered in relation to paragraph 155 of the NPPF.

- 7.2.9 With regard to (a) of paragraph 155, it is not considered that the granting of planning permission for a detached building would undermine the purposes of the remaining Green Belt across the plan area. In addition, in accordance with criteria (b), one must also consider whether there is a demonstrable unmet need for this type of development. As set out already at section 7.1, it is noted that in the March 2023 Budget, the government announced that they would be extending free childcare to support more parents being able to return to work after their parental leave end with childcare entitlements expanding. It is understood, that two phrases of this expansion have already occurred. Since April 2024, eligible working parents of 2-year-olds have been able to access up to 15 hours of free early education and care per week (over 38 weeks a year). Since September 2024, this has been extended to eligible working parents of children aged from 9 months and above. The final phrase is due to occur from September 2025, with eligible parents being able to access up to 30 free hours a week for children aged 9 months until they start school. As such, the demand for early years places is increasing.
- 7.2.10 In addition, the accompanying information sets out that the existing nursery is already at capacity, and it is understood that there are two year waiting lists for certain age groups, with 60% of enquiries being turned away each week. The supporting information also sets out that the Local Educational Authority (HCC) has awarded the nursery a grant to support their expansion proposals in recognition of the pressure for additional early years places in the locality. Consequently, it is considered that there is a demonstrable unmet need for the development. In addition, the site is viewed to be in a sustainable location, as it is located within the settlement boundary of Chorleywood which is defined as a Key Centre within the Council's Core Strategy. The site is viewed to be in an accessible location and is already operating as an educational facility.
- 7.2.11 In this instance, given the development does not relate to residential development, the golden rules referred to in criteria (d) would not be applicable.
- 7.2.12 In summary, based on the assessment against the criteria set out in Paragraph 155 of the NPPF, it is considered that the application site would constitute Grey Belt land, and that the proposal would represent an appropriate form of development. Consequently, no objections are raised in this regard.

7.3 Impact on Character, Landscape and Heritage

- 7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.3.2 The application site is located within the grounds of Chorleywood House, which is a Locally Important Building. Policy DM3 of the Development Management Policies is therefore relevant. This advises that Council encourages the retention of Locally Important Buildings

and development will only be granted where historic or architectural features are retained or enhanced

- 7.3.3 In addition, it is noted that the site is within a National Landscape Area and therefore Policy DM7 of the Development Management Policies LDD is also relevant to the assessment of this application. This states the following:

‘In considering proposals for development within or near the Chilterns Area of Outstanding Natural Beauty, the Council will support development unless the proposal:

- i) Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design, or external appearance of/or the type or form of development*
- ii) Detracts from the setting of the AONB and has an adverse impact on views into and out of the area.*
- iii) Detracts from the public enjoyment of the AONB.*

- 7.3.4 The Chorleywood Neighbourhood Plan (2020) is also relevant. Policy 2 sets out that development should seek to make a positive contribution to the streetscene by way of frontage, building line, scale and design. Policy 8 relates to the Chilterns Area of Outstanding Natural Beauty and states that development is not intrusive on the landscape and protect views and access to the AONB Asset.

- 7.3.5 The proposed development would consist of a single storey building which would be viewed against the backdrop of the existing nursery building and the adjacent football club building. Whilst it would be visible from public view points along the existing access road, it would not appear dissimilar in form to the existing structures and therefore would not appear as an incongruous form of development. It would remain set back from the access driveway and would be screened to the east by existing vegetation along the boundary. Consequently, it is not considered that the proposed development would be unduly prominent in terms of its siting.

- 7.3.6 With regard to materials, the external walls would be timber clad which would be in keeping with the existing nursery buildings and thus no objection is raised. The applicant has set out that the proposed roof form would consist of a grey metal cladding ‘to reflect a more modern contemporary build which is appropriate for the educational nature of the development’. In addition, the applicant notes that the material ‘is consistent with the metal roof of the adjacent buildings to the west of the site and is of similar colour and pitch to the felt roof of the existing nursery and office buildings’. Given the nature of the building and its single storey form, no objection is raised to the proposed external finishes. As noted, the building is within the grounds of the Chorleywood House, a Locally Important Building. However, the application site is located a significant distance away from Chorleywood House, and as such, would have no impact on the building itself or its wider setting. The development is therefore in accordance with Policy DM3 of the Development Management Policies LDD.

- 7.3.7 It is noted that Chorleywood Parish Council have expressed concerns in relation to the development, noting that the proposed new building is located in the Chilterns National Landscape and no rationale has been presented as to how the building will further or enhance that landscape. In response, the applicant has provided supporting information setting out that the building is contained within an existing group of buildings and therefore would not appear visually prominent within the landscape. Whilst there would be some views of the building from nearby, it would not be readily visible from wider views within the National Landscape Area. It is therefore not considered that the development would fail to conserve the AONB, detract from its setting or the public enjoyment of the area in accordance with Policy DM7 of the Development Management Policies LDD and Policy 8 of the Chorleywood Neighbourhood Plan.

- 7.3.8 In summary, the proposed development is considered to be acceptable and in accordance with Policy CP12 of the Core Strategy and Policies DM3 and DM7 of the Development

Management Policies LDD and Policies 2 and 8 of the Chorleywood Neighbourhood Plan (2020).

7.4 Impact on amenity of neighbours

7.4.1 Policy CP12 of the Core Strategy advises that development proposals should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM9 of the Development Management Policies LDD advises the Council will ensure that noise from proposed commercial, industrial, recreational or transport use does not cause any significant increase in the background noise level of nearby existing noise-sensitive property such as dwellings, hospitals, residential institutions, nursing homes, hotels, guesthouses, schools and other educational establishments.

7.4.2 The proposed building would facilitate additional places which would result in an intensification of use of the site as a whole. However, the site is located within the Chorleywood House Grounds and there are no residential neighbours adjacent to the site. In addition, there would be no increase in the existing hours of operation. As such, it is not considered that the proposed development would result in harm to residential amenity and as such no objections are raised in this regard. The development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM9 of the Development Management Policies LDD.

7.5 Wildlife and Biodiversity

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

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

7.5.3 The application is accompanied by a Preliminary Ecological Appraisal (PEA) which includes a number of recommendations such as the provision of bat and bird boxes on site. In addition, the PEA includes recommendations, such as heras fencing to be erected around the working area to prevent encroachment into retained habitats where badger sets could be. In addition, any excavations should be covered overnight. A condition shall be attached requiring the recommendations with respect to bats, nesting birds, reptiles and badgers to be followed in full. Subject to this condition, the development is considered to be acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.6 Mandatory Biodiversity Net gain.

7.6.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

7.6.2 In this case, the applicant considers that the development would be subject to the de minimis exemption. The Ecological Appraisal advises that the project is unlikely to trigger the requirement for a biodiversity net gain assessment as it falls under one of the exemptions of less than 25square metres of habitat being impacted. Given that the building

would be mainly located on existing hardstanding which is classed as a sealed surface, it is considered that this exemption would be applicable and thus no objections are raised in this regard.

7.7 Trees and Landscaping

7.7.1 Policy DM6 of the Development Management Policies LDD relates to trees and landscaping. It states that 'development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the criteria of the Hedgerow Regulations 1997.

7.7.2 The Landscape Officer has been consulted and has raised no objections in relation to the proposed development. However, the Landscape Officer has advised that a condition should be attached to any consent requiring the applicant to undertaken development in accordance with the submitted tree protection method statement. As such, subject to this condition, the development is considered acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.8 Highways, Access and Parking

7.8.1 Policy CP10 of the Core Strategy relates to Transport and Travel and advises that development will need to demonstrate that it provides a safe and adequate means of access. In addition, it should make adequate provision for all users of the highway. Paragraph 111 of the NPPF is also relevant and states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residential cumulative impacts on the road network would be severe'. In this case, there is no proposal to alter the existing access to the site. The Highways Officer notes that the proposed extension would increase pupil numbers, however, has noted that the number of trips this would generate on the highway network would not be serve. As such, it is not considered that there would be any impact on the highway network.

7.8.2 Policy DM13 of the Development Management Policies LDD states that Development should make provision for parking in accordance with the parking standards and, the zone-based reductions set out in Appendix 5 until such time as set standards are revised. Appendix 5 states that for nursery schools and play groups, 1 car parking space should be provided per 4 pupils. In this case, the existing nursery accommodates 37 children, therefore requiring a total of 10 car parking spaces. The proposed new building is proposed to accommodate a further 30 children. As such, a maximum of 67 children could be on site at any one time. Therefore, based on a maximum total of 67 children, 17 car parking spaces would be required, an increase of 7 spaces in comparison to the existing use. It is noted that Appendix 5 of the Development Management Policies LDD does advise that this standard for car parking may be adjusted according to which zone the proposed development is located within. In this case, the application site is located within zone 4 which sets out that 75-100% of the indicative demand-based standard would be required. As such, a minimum of 13 spaces would be required.

7.8.3 Parking bays are not formally marked out, however, it is estimated that there are currently approximately 10 car parking spaces. The proposed building would be sited on the existing area of hardstanding and it is estimated that around five car parking spaces would be lost. The plans indicate that five car parking spaces would be retained in front of the building, although it is again noted that these spaces are not formally marked on site. Therefore, it is considered that there would be a maximum shortfall of 12 spaces or 8 spaces if the 75% demand based standard was applied.

7.8.4 Whilst the shortfall is acknowledged, it is noted that the site is accessed via a long access driveway. It is noted that is an existing public car park located on Lady Ela Drive in close proximity to the existing tennis courts. In addition, there are a number of public parking

spaces available along the road immediately adjacent to the nursery and it is likely that these are already used by parents accessing the existing childcare facility. Given that the drop off and pick up times would be staggered and would not occur at any one time, it is not considered that the shortfall in off street car parking would result in significant harm to justify refusal as any potential overspill parking from the site would not impact upon the public highway. Furthermore, the nursery does not operate at the weekends or into the evenings, when the wider Chorleywood House Estate is likely to be being accessed by members of the public enjoying the wider public open space, or by those using the other existing facilities such as the Tennis Courts or Chorleywood House Football Grounds. Herts Highways have noted the shortfall in car parking and have advised that sustainable/active travel methods should be promoted. It is understood that the nursery does not have an existing Travel Plan, therefore, a condition shall be added requiring the submission of a Travel Plan.

- 7.8.5 On balance, given the existing use of the site, it is not considered that the shortfall in off street car parking would result in significant harm to justify refusal of the application. The development is therefore considered acceptable and in accordance with Policy CP10 of the Core Strategy and Policy DM13 and Appendix 5 of the Development Management Policies LDD.

7.9 Refuse and Recycling

- 7.9.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines.

- 7.9.2 The supporting statement sets out that the proposed refuse and recycling will be stored and collected in line with the existing strategy for the site. It is noted that there is ample space on site for the storage of containers and as such no objection is raised in this regard.

8 **Recommendation**

- 8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

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

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

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

P-001 A, P-002, P-003 J

Reason: For the avoidance of doubt, in the proper interests of planning, the openness of the Green Belt and National Landscape in accordance with Policies PSP2, CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2, DM3, DM6, DM7, DM19, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and Policies 2 and 8 of the Chorleywood Neighbourhood Plan (2020).

- C3 Prior to the first occupation of the building a 'Green Travel Plan' with the objectives of reducing journeys to and from the site by private car shall be submitted to and approved by the Local Planning Authority. This approved Green Travel Plan shall be implemented on first occupation of the building. An updated Green Travel Plan shall be submitted to the Local Planning Authority for written approval on the anniversary of the 1st year of occupation. The updated Green Travel Plan shall be implemented following its written approval.

Reason: To promote sustainable modes of transport and to meet the requirements of Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C4 The building(s) shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on Drawing Number P-003 J and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM7 of the Development Management Policies LDD (adopted July 2013).

- C5 The proposed building shall only be used as a nursery/preschool (Class E (f)) and for no other purposes (including any other purpose in Class E) of the Schedule to the Town and Country (Use Classes) Order (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C6 No children shall attend the nursery other than between the hours of 08:00 and 18:00 each weekday, and not at all on Saturdays, Sundays and Bank Holidays.

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

- C7 The number of children attending the nursery at any one time shall not exceed 67.

Reason: In the interests of amenity and highway safety in accordance with Policies CP1, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM7 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C8 The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme (Arboricultural Method Statement, Arbtech, 05 February 2025) before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be

lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C9 The recommended mitigation measures in relation to bats, nesting birds, reptiles and badgers as set out in the Preliminary Ecological Appraisal (Arbtech, 17 January 2025) shall be adhered to.

Reason: To ensure protected species (bats) are protected from harm in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application which includes a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

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

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{\b (a)} Making a Non-Material Amendment

{\b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any

doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development below the de minimis threshold, meaning development which:

- a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

- 15 The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.
- 16 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 17 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 18 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

- I9 The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at
- I10 <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300123 4047.



