

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Thursday, 14 August 2025 at 7.30 pm.

Members of the Planning Committee:-

Councillors:

Chris Whately-Smith (Chair)
Oliver Cooper
Harry Davies
Steve Drury
Philip Hearn
Stephen King

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

*Joanne Wagstaffe, Chief Executive
Wednesday, 6 August 2025*

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

Details of the procedure are provided below:

For those wishing to speak:

Members of the public are entitled to register and identify which item(s) they wish to speak on from the published agenda for the meeting. Those who wish to register to speak are asked to register on the night of the meeting from 7pm. Please note that contributions will be limited to one person speaking for and one against each item for not more than three minutes.

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 Committee.

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.

The meeting may be livestreamed and an audio recording of the meeting will be made.

1. Apologies for Absence

2. Minutes

(Pages 5 - 18)

To confirm as a correct record the minutes of the Planning Committee meetings held on 17 and 31 July 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. 25/0986/FUL – Variation of Condition 12 (Plans) pursuant to reserved matters application 23/0699/AOD to allow alterations to facade to all dwellings including removal of burglar bond (brickwork to elevation), alterations to porch roof design and solar panels layout at Land to South of Foxgrove Path/Heysham Drive, South Oxhey, Watford WD19 6YL (Pages 19 - 34)

Variation of Condition 12 (Plans) pursuant to reserved matters application 23/0699/AOD to allow alterations to facade to all dwellings including removal of burglar bond (brickwork to elevation), alterations to porch roof design and solar panels layout at Land to South of Foxgrove Path/Heysham Drive, South Oxhey, Watford.

Recommendation: that condition 12 be varied and permission granted.

6. 25/0987/RSP – Retrospective: Installation of substation at Land to South of Foxgrove Path/Heysham Drive, South Oxhey, Watford WD19 6YL (Pages 35 - 44)

Retrospective: Installation of substation at Land to south of Foxgrove Path/Heysham Drive, South Oxhey, Watford.

Recommendation: that subject to no further material considerations being raised, retrospective planning permission be granted.

7. 25/1126/FUL – Variation of Condition 2 (Plans) and Condition 4 (Materials) pursuant to planning permission 25/0288/FUL at Chorleywood Montessori Nursery, Chorleywood House Estate. Rickmansworth Road, Chorleywood, Rickmansworth WD3 5SL (Pages 45 - 78)

Variation of Condition 2 (Plans) and Condition 4 (Materials) pursuant to planning permission 25/0288/FUL at Chorleywood Montessori Nursery, Chorleywood House Estate, Rickmansworth Road, Chorleywood, Rickmansworth.

Recommendation: that planning permission is granted.

8. 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

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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, 17 July 2025 from 7.30 - 9.58 pm

Present: Councillors Chris Whately-Smith, Elinor Gazzard, Oliver Cooper, Harry Davies, Steve Drury, Philip Hearn, Stephen King, Chris Lloyd, Abbas Merali, Chris Mitchell and Debbie Morris

Also in Attendance:

Parish Councillor Diana Barber (Batchworth Community Council), Parish Councillor Jon Bishop (Chorleywood Parish Council), County Councillor Paula Hiscocks, Councillor Raj Khiroya, Parish Councillor Guy Parks (Croxley Green Parish Council), Councillor Paul Rainbow, Councillor Ciaran Reed and Councillor Narinder Sian

Officers in Attendance:

Adam Ralton, Development Management Team Leader
Claire Westwood, Development Management Team Leader
Tom Norris, Senior Planning Officer
Claire Wilson, Principal Planning Officer
Emma Lund, Senior Committee Officer
Matthew Barnes, Planning Solicitor
Kimberley Rowley, Head of Regulatory Services

PC8/25 APOLOGIES FOR ABSENCE

There were no apologies for absence.

PC9/25 MINUTES

The minutes of the Planning Committee held on 19 June 2025 were confirmed as a correct record and signed by the Chair.

PC10/25 NOTICE OF URGENT BUSINESS

There were no items of urgent business.

The Committee noted that, at the Chair's request, agenda items 12, 13, 14 and 15 had been withdrawn from the agenda and would be considered at a special meeting of the Planning Committee to be held on Thursday 31 July 2025.

PC11/25 DECLARATIONS OF INTEREST

The Liberal Democrat Group declared a non-pecuniary interest in agenda item 11 (25/0564/FUL: 35 Manor House Gardens, Abbots Langley) as the agent is a member of the authority and a member of the Liberal Democrat Group.

**PC12/25 24/1231/FUL – DEMOLITION OF EXISTING STORE BUILDING;
SUBDIVISION OF SITE AND CONSTRUCTION OF TWO STOREY DETACHED DWELLING
WITH ASSOCIATED SOLAR PANELS, ACCESS, PARKING AND LANDSCAPING WORKS
AT 9 ASHLEYS, MILL END, RICKMANSWORTH WD3 8JU**

The application was for demolition of existing store building, subdivision of site and construction of two storey detached dwelling with associated solar panels, access, parking and landscaping works at 9 Ashleys, Mill End, Rickmansworth.

There were no officer updates.

A member of the public spoke against the application.

County Councillor Paula Hiscocks spoke on the application.

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

- A Committee Member commented on the existing parking pressures at the site and the fact that the access to the proposed development was narrow and expressed the view that as a result the proposal may involve an unacceptable adverse impact on the amenity of neighbouring residents. Officers responded that parking issues had been carefully considered. Although one resident had subdivided a section of their garden to create an informal parking area, using an access which was owned by Three Rivers District Council, there was currently no lawful parking provision. The proposal would create two lawful spaces, and any grant of planning permission would require the applicant to reach an agreement with the Council with regard to lawfully using the access. The proposal would therefore result in a net gain of two spaces, which met the parking standard.
- A Committee Member recommended that the wording of condition 3 should be strengthened, in order to ensure that lawful use of the access road would be legally guaranteed in perpetuity. Officers responded that the current wording was considered sufficient, as it required the applicant to provide evidence in writing that right of way had been granted 'lawfully, permanently, and without restriction.'

Councillor Whately-Smith moved, and Councillor Morris seconded, that planning permission be granted subject to conditions. On being put to the vote this was carried, the voting being 4 in favour, 4 against, 3 abstentions. The Chair's casting vote was used.

RESOLVED: that the application be granted, subject to conditions.

PC13/25 24/1963/FUL: CONSTRUCTION OF WAREHOUSE UNITS (USE CLASSES E(G)(III), B2 AND B8) INCLUDING ACCESS AND SERVICING ARRANGEMENTS, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS AT MAPLE CROSS HOUSE, DENHAM WAY AND KIER OFFICES OFF MAPLE LODGE CLOSE, MAPLE CROSS, WD3 9SW

The application was for construction of warehouse units (Use Classes E(g)(iii), B2 and B8) including access and servicing arrangements, car parking, landscaping and associated works at Maple Cross House, Denham Way and Kier Offices off Maple Lodge Close, Maple Cross.

The application had been deferred at the meeting held on 19 June 2025, in order for officers to seek further information in relation to noise impacts, noise mitigations, building orientation and on-site car parking management. These were addressed in the updated report.

The Planning Officer provided updates as follows:

- Further information had been received from the applicant in relation to the acoustic fence, confirming that it would have a maximum height of 5.3m. The applicant had provided a note from their acoustic consultant setting out that the reduction in height would have a negligible impact on noise levels compared with those which had been presented with the assumption of a 6m high acoustic barrier. The information had been reviewed by the Environmental Health Officer who maintained their view that, with the proposed mitigations secured by condition, the proposal would not have an unacceptable impact.
- As a result of the new information provided by the applicant in relation to the acoustic fence, a number of amendments were required to several conditions. New drawings had been provided confirming the reduced height of the acoustic fence: Conditions 2, 21 and 26 would therefore require updating to ensure they related to the latest versions. Similarly Condition 13 would require updating to reference the latest version of the landscaping drawing. Condition 29 would need to be updated to remove the reference to a 6m fence. The title of Condition 36 required updating to reflect that it applied to all of the units (not just 5 & 6) and the definition of an HGV vehicle would be added within the condition. Condition 37 required updating to reflect the revision of the lighting drawing as a result of the reduction in height of the acoustic barrier.

Councillor Raj Khiroya spoke on the application.

County Councillor Paula Hiscocks spoke on the application.

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

- Committee Members remained concerned about the impact of noise on nearby residents and considered that in addition to further restrictions on delivery and collection hours, there should be no collection or deliveries at all on Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Sunday or Easter Monday.
- A Committee Member questioned whether the Construction Management Plan could include a requirement for the construction to have no impact on road congestion. Officers responded that as there was already an access to the site and so construction vehicles would not be blocking the road, and as the vehicle numbers would not be sufficient as to have a severe impact on the highway, the officer view was that such a condition could not be considered reasonable. Should the construction require any work on the highway, then authorisation would be needed from Herts Highways and this was not within the scope of the application.
- Whilst noting that the proposal met the parking standard, a Committee Member expressed concern about the parking provision and the risk of overspill parking on either Denham Way or Franklins. Officers responded that parking within the site would be controlled by way of the car parking management plan; however, parking outside the site could not be controlled by planning conditions.
- Condition 22 required an operational noise management plan to be submitted and approved, and condition 23 required details of external plant/equipment to be submitted to ensure that it could operate without adverse impact on the amenity of neighbouring occupiers. The operational noise management plan would address matters such as the use of roller doors, which had the potential to cause noise disturbance.
- Committee Members remained concerned about the proposed hours of use, and considered that these should be further reduced to require deliveries and collections to end at 10pm (rather than 11pm) on weekdays and Saturdays and 9pm on Sundays.

Councillor Drury moved, and Councillor Gazzard seconded, that following the completion of a S106 agreement to secure financial contributions towards biodiversity monitoring, travel plan

monitoring and sustainable transport improvements, planning permission be granted subject to conditions and updated conditions as verbally reported and noted above, and further amendment to Condition 36 to restrict deliveries and collections to not take place:

- To/from Units 1 – 4, by HGV, other than between 07:00 and 22:00 on Weekdays, between 08:00 and 22:00 on Saturdays, and between 09:00 and 21:00 on Sundays, Bank and Public Holidays.
- To/from Units 5 and 6 other than between 07:00 and 22:00 on Weekdays, between 08:00 and 22:00 on Saturdays, and between 09:00 and 21:00 on Sundays, Bank and Public Holidays.
- Whatsoever on Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Sunday, Easter Monday.

On being put to the vote this was carried, the voting being 6 in favour, 2 against, 3 abstentions.

RESOLVED: that following the completion of a S106 agreement to secure financial contributions towards biodiversity monitoring, travel plan monitoring and sustainable transport improvements, planning permission be granted subject to conditions and updated conditions as verbally reported and noted above, and further amendment to Condition 36 to restrict deliveries and collections to not take place:

- To/from Units 1 – 4, by HGV, other than between 07:00 and 22:00 on Weekdays, between 08:00 and 22:00 on Saturdays, and between 09:00 and 21:00 on Sundays, Bank and Public Holidays.
- To/from Units 5 and 6 other than between 07:00 and 22:00 on Weekdays, between 08:00 and 22:00 on Saturdays, and between 09:00 and 21:00 on Sundays, Bank and Public Holidays.
- Whatsoever on Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Sunday, Easter Monday.

**PC14/25 PRELIMINARY REPORT - 24/2073/OUT - OUTLINE APPLICATION:
DEVELOPMENT OF UP TO 600 RESIDENTIAL DWELLINGS (USE CLASS C3(A)),
CONSTRUCTION OF A 5-BEDROOM PROPERTY FOR CHILDRENS SOCIAL CARE AND
SUPPORTED LIVING (USE CLASS C3(B)). TWO VEHICULAR ACCESS POINTS FROM
LITTLE GREEN LANE AND FURTHER PEDESTRIAN / CYCLEWAY ACCESSES. A ONE
FORM ENTRY PRIMARY SCHOOL (USE CLASS F1(A)) (PLUS EXPANSION LAND FOR A
TWO FORM ENTRY PRIMARY SCHOOL). A MIXED USE LOCAL CENTRE INCLUDING
PROVISION FOR NHS HEALTH AND SOCIAL CARE SERVICES (USE CLASS E(E)),
COMMUNITY BUILDING (USE CLASS F2), RETAIL AND CAFE PROVISION (USE CLASS
E(A-C)), CAR PARKING AND ASSOCIATED INFRASTRUCTURE. A COUNTRY PARK,
AREAS FOR PLAY AND RECREATION, ALLOTMENTS, COMMUNITY ORCHARD AND
LANDSCAPING WITH ASSOCIATED INFRASTRUCTURE INCLUDING SUSTAINABLE
URBAN DRAINAGE SYSTEMS. (LAYOUT, SCALE, APPEARANCE AND LANDSCAPE AS
RESERVED MATTERS) AT LAND TO NORTH OF LITTLE GREEN LANE, CROXLEY
GREEN, WD3 3SP**

The Committee received a preliminary report on an outline application for development of up to 600 residential dwellings (Use Class C3(a)); construction of a 5-bedroom property for children's social care and supported living (Use Class C3(b)); two vehicular access points from Little Green Lane and further pedestrian / cycleway accesses; a one form entry primary school (Use Class F1(a)) (plus expansion land for a two form entry primary school); a mixed use local centre including provision for NHS health and social care services (Use Class E(e)), community building (Use Class F2), retail and cafe provision (Use Class E(a-c)), car parking and associated infrastructure; a country park; areas for play and recreation, allotments, community orchard and landscaping with associated infrastructure including sustainable urban drainage systems. (layout, scale, appearance and landscape as reserved matters) at Land To North Of Little Green Lane, Croxley Green.

The Committee was invited to note the report, comment on any material planning issues raised by the application and consider undertaking a site visit. The application would be brought back to the Committee in due course for determination.

The Planning Officer reported that since publication of the agenda, the applicant had submitted a revised Transport Assessment and Travel Plan, and also a new additional Active Travel Route Audit. These had been submitted in response to comments from Active Travel England, National Highways, Hertfordshire Highways and Transport for London. These consultees had been notified and were reviewing the details provided.

A member of the public spoke against the proposal.

Councillor Paul Rainbow spoke on the proposal.

Councillor Ciarán Reed spoke on the proposal.

Councillor Narinder Sian spoke on the proposal.

Parish Councillor Guy Parks spoke on the proposal.

Members' questions and comments on the proposal included the following:

- Is the site Grey Belt or Green Belt?
- Concerns were expressed regarding: access issues; capacity of Thames Water to manage the sewage from the site; the impact on local traffic and highways issues; harm to the Green Belt; whether there was sufficient health service provision (both GP and hospital) to support the development of 600 homes; transport accessibility and capacity (particularly at rush hour for trains and local road congestion); sufficiency of parking provision; potential impact on the wildlife at Whippendell Woods and other woodlands and hedgerows; and flood and heritage impacts.
- Members questioned whether the one form entry primary school, if mainstream rather than SEN, was necessary given a recent decline in pupil numbers and the capacity available at existing schools.
- Before the application is presented for determination, officers were asked to seek further information from Thames Water in relation to capacity; to continue to try to obtain responses from consultees who had not yet replied; and to consult with organisations and groups in adjoining areas such as Watford Borough Council, Watford Joggers, Rambling Associations, the Chiltern Society and the Chiltern Conservation Board.
- Officers were also asked to include within the committee report a detailed assessment of harm to the Green Belt; information regarding the sustainability of the site given its distance from the station; and to require a dust plan and wheel washing.

Councillor Morris moved, and Councillor Mitchell seconded, that Members note the report and agree for officers to arrange a site visit prior to this application being presented to the Planning Committee for a decision, with an officer to be in attendance at the site visit. On being put to the vote this was carried, the voting being unanimous.

RESOLVED: that Members note the report and agree for officers to arrange a site visit prior to this application being presented to the Planning Committee for a decision, with an officer to be in attendance at the site visit.

PC15/25 25/0332/FUL – DEMOLITION OF EXISTING OUTBUILDING AND ERECTION OF TWO STOREY DETACHED BUILDING CONTAINING ONE, ONE BEDROOM FLAT AND ONE TWO-BEDROOM FLAT (CLASS C3), INCLUDING ALTERATIONS TO THE

EXISTING CAR PARK AT THE WESTERN, 205 HIGH STREET, RICKMANSWORTH WD3 1BB

The application was for demolition of existing outbuilding and erection of two storey detached building containing one, one bedroom flat and one two-bedroom flat (Class C3), including alterations to the existing car park at The Western, 205 High Street, Rickmansworth.

The Planning Officer reported that Batchworth Community Council (BCC) had been re-consulted with regard to the amended plans received. BCC had confirmed that it agreed with the comments made by the Appeal Inspector regarding the inappropriateness of the location in relation to the previous application, that its previous objections to the application remain, and that it wished to call the application in unless officers were minded to refuse.

Herts Highways had also provided updated comments in relation to the re-consultation and confirmed that it raised no objection to the development.

Parish Councillor Diana Barber spoke on the application.

The agent spoke in favour of the application.

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

- Officers had refused a previous application on the site for a flat-roofed building of three storeys with an angled elevation and prominent balconies, as it was not considered to preserve or enhance the Conservation Area. The new scheme was of reduced height, a more traditional appearance with two storeys and a pitched roof, and sympathetic fenestration and use of materials. Officers considered it a better scheme, which would preserve the character and appearance of the Conservation Area.
- The site was considered to be suitable for development, and the proposal represented an efficient use of land.
- Committee Members agreed that the new scheme was a significant improvement, and the proposed development would preserve and enhance the character of the Conservation Area.
- Triple glazing was proposed, to mitigate any impact arising from noise from the pub. The site location was in an area of existing residential development, and it was not considered that there would be any detrimental impact on future residents arising from noise.

Councillor Morris moved, and Councillor Lloyd seconded, that planning permission be granted subject to conditions following the completion of a S106 agreement to secure a financial contribution towards affordable housing and amendments to the Traffic Regulation Order. On being put to the vote this was carried, the voting being unanimous.

RESOLVED: that planning permission be granted subject to conditions following the completion of a S106 agreement to secure a financial contribution towards affordable housing and amendments to the Traffic Regulation Order.

PC16/25 25/0391/RSP – PART-RETROSPECTIVE: DEMOLITION OF EXISTING CONSERVATORY; CONSTRUCTION OF PART SINGLE PART TWO STOREY REAR EXTENSIONS, LOFT CONVERSION INCLUDING REAR ROOFLIGHTS; CONVERSION OF GARAGE TO HABITABLE ACCOMMODATION, ALTERATIONS TO EXTERNAL MATERIALS INCLUDING REPLACEMENT RENDER AND ROOF TILES; ALTERATIONS TO FENESTRATION DETAIL; AND ASSOCIATED INTERNAL ALTERATIONS AT 44 WOLSEY ROAD, MOOR PARK, NORTHWOOD HA6 2EN

The application was part-retrospective for: demolition of existing conservatory; construction of part single part two storey rear extensions, loft conversion including rear rooflights; conversion of garage to habitable accommodation, alterations to external materials including replacement render and roof tiles; alterations to fenestration detail; and associated internal alterations at 44 Wolsey Road, Moor Park, Northwood.

The Planning Officer reported that following receipt of amended plans, and subsequent to publication of the agenda, Batchworth Community Council had sought to withdraw its call in. Moor Park (1958) Ltd, which was also a consultee, had made follow-up comments on the application stating that the plans addressed all their concerns, although did observe that the two storey part of the extension to the rear was slightly higher than the previously approved scheme.

Councillor Lloyd moved, and Councillor Cooper seconded, that part retrospective planning permission be granted subject to conditions. On being put to the vote this was carried unanimously.

RESOLVED: that part retrospective planning permission be granted subject to conditions. On being put to the vote this was carried unanimously.

PC17/25 25/0428/FUL – DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF A REPLACEMENT TWO STOREY SELF-BUILD DWELLING AT DENEWOOD, CHORLEYWOOD ROAD, RICKMANSWORTH WD3 4EP

The application was for demolition of existing bungalow and erection of a replacement two storey self-build dwelling at Denewood, Chorleywood Road, Rickmansworth.

A member of the public spoke against the application.

The applicant spoke in favour of the application.

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

- The Planning Officer reported that when the application had originally been submitted, officers had identified that the street scene drawing did not accurately portray the height of Sunnyside. The drawing had subsequently been corrected, and officers were satisfied that all drawings were now accurate with regard to the height of Sunnyside in relation to the proposed new dwelling.
- The new development would utilise an existing established access off the Chorleywood Road via the front drive of Sunnyside. No change was proposed to access arrangements, and therefore there had been no requirement to consult with Herts Highways.
- A Construction Management Plan had been conditioned. Officers were asked to investigate whether a temporary access onto Chorleywood Road might be permitted by Herts Highways, in order to alleviate the neighbour's concerns about use of the existing access by construction traffic. It was requested that if possible, a draft Construction Management Plan should be submitted for consideration prior to the site visit.

Councillor Lloyd moved, and Councillor Cooper seconded, that the application be deferred for a site visit, and that the applicant be requested to supply a draft Construction Management Plan. On being put to the vote this was carried, the voting being 7 in favour, 1 against and 3 abstentions.

RESOLVED: that the application be deferred for a site visit, and the applicant be requested to supply a draft Construction Management Plan.

PC18/25 25/0564/FUL – TWO STOREY SIDE EXTENSION, PART-SINGLE PART-TWO STOREY REAR EXTENSION AND BAY WINDOW INFILL, AT 35 MANOR HOUSE GARDENS, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0DH.

The application was for a two storey side extension, part-single part-two storey rear extension and bay window infill, at 35 Manor House Gardens, Abbots Langley.

There were no officer updates.

The applicant spoke in favour of the application.

Councillor Mitchell moved, and Councillor Lloyd seconded, that subject to no new material planning conditions being raised, planning permission be granted subject to conditions. On being put to the vote this was carried unanimously.

RESOLVED: that subject to no new material planning conditions being raised, planning permission be granted subject to conditions.

PC19/25 ITEM WITHDRAWN 25/0666/FUL - CHANGE OF USE FROM CLASS F.2B (LOCAL COMMUNITY HALL OR MEETING PLACE FOR THE PRINCIPAL USE OF THE LOCAL COMMUNITY) TO CLASS E (F) (CRECHE, DAY NURSERY OR DAY CENTRE; NOT INCLUDING A RESIDENTIAL USE) AT BULLSLAND HALL, BULLSLAND LANE, CHORLEYWOOD WD3 5BQ

This item was with withdrawn from the agenda prior to the meeting.

PC20/25 ITEM WITHDRAWN 25/0667/FUL – FIRST FLOOR SIDE EXTENSION AT 2 ARUNDEL ROAD, ABBOTS LANGLEY WD5 0TP

This item was with withdrawn from the agenda prior to the meeting.

PC21/25 ITEM WITHDRAWN 25/0694/RSP – RETROSPECTIVE: CONSTRUCTION OF OUTBUILDING IN REAR GARDEN FOR ANCILLARY RESIDENTIAL USE AT 20 MARLIN SQUARE, ABBOTS LANGLEY WD5 0EG

This item was with withdrawn from the agenda prior to the meeting.

PC22/25 ITEM WITHDRAWN 25/0901/ADV – ADVERTISEMENT CONSENT: INSTALLATION OF ONE EXTERNALLY ILLUMINATED "MCDONALD'S" LETTERSET, ONE EXTERNALLY ILLUMINATED "GOLDEN ARCH" TO FRONT ELEVATION, ONE NON ILLUMINATED SIGN TO REAR ELEVATION, AND 6 NON-ILLUMINATED PARKING SIGNS - AT 94 – 102 HIGH STREET, RICKMANSWORTH WD3 1AQ

This item was with withdrawn from the agenda prior to the meeting.

CHAIR

Planning Committee MINUTES

Of a meeting held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 31 July 2025 from 7.30 - 8.52 pm

Present: Councillors Chris Whately-Smith, Elinor Gazzard, Oliver Cooper, Steve Drury, Philip Hearn, Chris Lloyd, Chris Mitchell, Debbie Morris, Andrea Fraser and Sarah Nelmes

Also in Attendance:

Parish Councillor Diana Barber (Batchworth Community Council), Parish Councillor Jon Bishop (Chorleywood Parish Council), Councillor Stephen Giles-Medhurst

Officers in Attendance:

Emma Lund, Senior Committee Officer
Adam Ralton, Development Management Team Leader
Claire Westwood, Development Management Team Leader

PC23/25 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Harry Davies, Stephen King and Abbas Merali.

Councillor Sarah Nelmes substituted for Councillor Harry Davies and Councillor Andrea Fraser substituted for Councillor Abbas Merali.

PC24/25 DECLARATIONS OF INTEREST

The Liberal Democrat Group declared a non-pecuniary interest in agenda item 4 (25/0667/FUL: 2 Arundel Road, Abbots Langley) as the agent is a member of the authority and a member of the Liberal Democrat Group.

PC25/25 25/0666/FUL - CHANGE OF USE FROM CLASS F.2B (LOCAL COMMUNITY HALL OR MEETING PLACE FOR THE PRINCIPAL USE OF THE LOCAL COMMUNITY) TO CLASS E (F) (CRECHE, DAY NURSERY OR DAY CENTRE; NOT INCLUDING A RESIDENTIAL USE) AT BULLSLAND HALL, BULLSLAND LANE, CHORLEYWOOD WD3 5BQ

The application was for change of use from Class F2b (Local community hall or meeting place for the principal use of the local community) to Class E(f) (Creche, day nursery or day centre, not including a residential use) at Bullsland Hall, Bullsland Lane, Chorleywood.

The Planning Officer reported that there were no updates.

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

- Bullsland Hall currently had a permitted class use which was unrestricted in terms of its use as a community facility. Consequently, a number of committee members considered that the application for change of use would not result in levels of noise or disturbance which would exceed those currently permitted.
- The current permitted use class also did not have any restrictions relating to the use of the outdoor space. However, officers reported that the outdoor space was small, which may present natural restrictions within the current use class. Officers' concerns with regard to the proposed change of use related to an intensification of the use of the outdoor space.
- Officers confirmed that were the proposed change of use to be approved, the Hall could no longer operate as a community facility. However, the applicant had advised that in recent years there had been little to no demand for it in that capacity, and alternative provision had been made for any existing community use. Officers did not object to the loss of the community use.
- A number of committee members considered that the benefit in terms of the provision of much needed childcare places was important and should be given significant weight.
- There were a number of ways in which noise impacts could be mitigated, and additionally, the age range would include babies as well as toddlers. The harm caused to neighbour amenity arising from children playing outdoors during daytime hours was not considered by committee members to be unacceptable.
- No fence was proposed as part of the application and depending on certain factors, including its height relative to the highway, suitable fencing may be able to be provided within permitted development. As a fence did not form part of the application, no condition could be included in relation to it.
- The existing parking provision of 6 spaces was considered by officers to be acceptable.
- Some committee members considered that restrictions on the hours of indoor and outdoor use were neither necessary or appropriate given the use class, and that children should not be restricted in the hours in which they could play outside. Other committee members considered that conditions on hours of use in the event of approval were required in order to mitigate potential noise impacts and safeguard neighbour amenity. The applicant did not object to restrictions on hours of use.
- Following debate members agreed that, in the event of approval, conditions would be needed in relation to the time limit for implementation, confirmation of the approved plans, restriction of use to Class E(f), restriction on the number of children, and restriction on the hours of indoor and outdoor use.

Parish Councillor Jon Bishop, the applicant, spoke in favour of the application.

Councillor Lloyd moved, and Councillor Morris seconded, approval of the application subject to conditions relating to: the time limit for implementation; confirmation of the approved plans; restriction of use to Class E(f); restriction on the number of children to 18; restriction on the hours of indoor use to 08:00 to 18:30; and restriction on the hours of outdoor use to 10:00 to 18:30.

Councillor Cooper moved, and Councillor Hearn seconded, an amendment to the motion to remove conditions relating to the hours of operation of indoor and outdoor use.

Following debate, the proposer and seconder of the amendment agreed a revision to include restrictions on the hours of indoor use to 07:00 to 19:00 and the hours of outdoor use to 10:00 to 19:00.

On being put to the vote the amended motion was carried, the voting being 9 in favour, 1 against, 0 abstentions.

RESOLVED: that the application be approved, subject to conditions relating to the time limit for implementation; confirmation of the approved plans; restriction of use to Class E(f); restriction on the number of children to 18; restriction on the hours of indoor use to 07:00 to 19:00; and restriction on the hours of outdoor use to 10:00 to 19:00.

PC26/25 25/0667/FUL – FIRST FLOOR SIDE EXTENSION AT 2 ARUNDEL ROAD, ABBOTS LANGLEY WD5 0TP

The application was for a first floor side extension at 2 Arundel Road, Abbots Langley.

The Planning Officer confirmed that there were no updates. As set out in the report, the application followed a previously refused application. The changes between the refused scheme and the current scheme related to removal of the garage and revision of the design of the side rear extension. The size of the first floor front element was unchanged, but given the context of the site and the character of the road as it is now (rather than as it had been at the time of the previous application) it was considered to be acceptable.

Committee members noted that there had been no objections from the Parish Council, and no objections in response to the consultation.

Councillor Lloyd moved, and Councillor Gazzard seconded, that planning permission be granted subject to conditions. On being put to the vote this was carried unanimously.

RESOLVED: that planning permission be granted subject to conditions.

PC27/25 25/0694/RSP – RETROSPECTIVE: CONSTRUCTION OF OUTBUILDING IN REAR GARDEN FOR ANCILLARY RESIDENTIAL USE AT 20 MARLIN SQUARE, ABBOTS LANGLEY WD5 0EG

The application was retrospective for: construction of outbuilding in rear garden for ancillary residential use at 20 Marlin Square, Abbots Langley, Hertfordshire.

The Planning Officer reported that since agenda publication correspondence had been received expressing concerns about the potential intensification of the use of an existing right of way via a neighbouring property. It was considered that this may cause harm to the amenity of that neighbour. Whilst it had been suggested that a personal planning permission could resolve the concern, officers did not consider that this would be reasonable or appropriate for this application, and this was supported by planning practice guidance. However, officers did consider that it would be reasonable to attach an additional condition requiring that the outbuilding be accessed only from the main dwellinghouse at 20 Marlin Square and not directly accessed via the right of way through number 22. The reason for the condition being to safeguard the amenity of the neighbours from any potential intensification in the use of the right of way.

Councillor Stephen Giles-Medhurst spoke on the application.

The agent spoke in favour of the application.

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

- The outbuilding was c 10cm taller than would have been allowed under permitted development. A building which had a larger footprint, but which was 10cm lower, would also have been allowable under permitted development, provided it was for incidental use.

However, the use of the outbuilding for independent living, as was currently the case, would not have been allowable under permitted development.

- Any variance of title to the right of way would be a civil matter rather than a planning matter. Any breaches of the proposed planning condition regarding access to the outbuilding could be reported to the Enforcement Team for investigation.
- A committee member recommended that Condition 1 should be amended in order to correctly capture the current use of the building. It was recommended that the condition should refer to the use being '*ancillary to the enjoyment of, or incidental to the residential dwelling....*' and this was accepted by officers.
- An air conditioning unit referred to by a speaker did not form part of the application but could be referred to the Enforcement Team for investigation.

Councillor Morris moved, and Councillor Gazzard seconded, approval of the application subject to conditions, an additional condition restricting access to the outbuilding to be via the main house, and amendment to condition 1 to restrict the use to be ancillary or incidental to the residential dwelling. On being put to the vote this was carried, the voting being 7 in favour, 0 against, 3 abstentions.

RESOLVED: that the application be approved subject to conditions, an additional condition restricting access to the outbuilding to be via the main house, and amendment to condition 1 to restrict the use to be ancillary or incidental to the residential dwelling.

PC28/25 25/0901/ADV – ADVERTISEMENT CONSENT: INSTALLATION OF ONE EXTERNALLY ILLUMINATED "MCDONALD'S" LETTERSET, ONE EXTERNALLY ILLUMINATED "GOLDEN ARCH" TO FRONT ELEVATION, ONE NON ILLUMINATED SIGN TO REAR ELEVATION, AND 6 NON-ILLUMINATED PARKING SIGNS - AT 94 – 102 HIGH STREET, RICKMANSWORTH WD3 1AQ

The application was for advertisement consent for installation of one externally illuminated "McDonald's" letterset, one externally illuminated "Golden Arch" to front elevation, one non illuminated sign to rear elevation, and 6 non-illuminated parking signs - at 94 – 102 High Street, Rickmansworth.

The Planning Officer reported that there were no updates and presented illustrations of how the proposed scheme differed from that which had previously been consented at the site, highlighting that the key differences were that the new scheme proposed removal of the projecting sign and yellow vinyl 'Golden Arch' applied externally to glazing, to be replaced with a smaller externally illuminated 'Golden Arch' to the front fascia.

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

- A committee member expressed the view that the previously consented hanging sign had been more in keeping with the character of the High Street Conservation Area. Another committee member considered that the new scheme was more in keeping with the High Street due to the removal of the large vinyl 'Golden Arch' and its replacement with a smaller, more discreet version.
- Officers advised that consent of the new scheme would not preclude the applicant potentially also including elements of the previously approved scheme. However, it was understood that this was not the applicant's intention. Committee members agreed that an informative should be added requesting that only one grant of advertisement consent is implemented.

Parish Councillor Diana Barber spoke on the application.

Councillor Nelmes moved, and Councillor Lloyd seconded, that advertisement consent be granted subject to conditions and the addition of an informative requesting that only one grant of advertisement consent is implemented. On being put to the vote this was carried, the voting being 8 in favour, 0 against, 2 abstentions.

RESOLVED: that advertisement consent be granted subject to conditions and the addition of an informative requesting that only one grant of advertisement consent is implemented.

CHAIR

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25/0986/FUL – Variation of Condition 12 (Plans) pursuant to reserved matters application 23/0699/AOD to allow alterations to facade to all dwellings including removal of burglar bond (brickwork to elevation), alterations to porch roof design and solar panels layout at LAND TO SOUTH OF FOXGROVE PATH/HEYSHAM DRIVE, SOUTH OXHEY, WATFORD, WD19 6YL

Parish: Watford Rural

Ward: South Oxhey

Expiry of Statutory Period: 5 September 2025

Case Officer: Adam Ralton

Recommendation: That condition 12 be varied and permission granted

Reason for consideration by the Committee: The application site includes land owned by Three Rivers District Council.

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=SXF61IQFGSE00>

1 Relevant Planning History

- 1.1 17/2053/OUT: Outline Application: Residential development of up to 49 dwellings, comprising a mix of houses and apartments, construction of parking spaces, landscaping and ancillary works (all matters reserved). **Approved** January 2018.
- 1.2 19/2419/OUT: Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved). **Approved** May 2020.
- 1.3 23/0699/AOD: Approval of Details: Residential development of 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (Reserved matters application containing details of appearance, landscaping, layout and scale pursuant to Condition 1 attached to Outline Planning Permission 19/2419/OUT). **Approved** October 2023.
- 1.4 23/0701/FUL: Variation of Condition 4 (Affordable Housing), Condition 5 (Specification of Access), Condition 7 (Bus stop and Crossing works) and 14 (Surface Water Drainage scheme) attached to outline planning permission 19/2419/OUT (Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved)) to reflect the scheme coming forward as 100% affordable (a mix of affordable rent and shared ownership), to ensure the development can commence prior to the details of the new access point, bus stop and crossing points being approved and to allow for details of the surface water drainage scheme to be considered. **Approved** October 2023.
- 1.5 25/0987/RSP: Retrospective: Installation of substation. Under consideration.

2 Description of Application Site

- 2.1 The application site has an area of approximately 1.6 hectares and is located to the south of Heysham Drive and Foxgrove Path. The site contains a parcel of land currently under development to provide 53 houses. The development is well advanced, with many houses substantially complete externally. The site slopes down from south to north, such that it slopes down toward the properties which front Heysham Drive and Foxgrove Path.

- 2.2 To the north and west of the application site are the two storey rows of terraced properties (both houses and flats) which front Heysham Drive, Ashford Green and Foxgrove Path. The dwellings which back on to the site have rear garden depths of between 13 metres and 18 metres. To the south of the site are open fields, located within the London Borough of Harrow and allocated within their Local Plan as Green Belt. To the east of the site is Prestwick Road Meadows Local Nature Reserve.
- 2.3 The character of the area to the north and west is primarily residential, with two storey semi-detached and terraced properties. Car parking is primarily on-street in designated bays.
- 2.4 The site is allocated Housing Site H(31), and on adoption of the Site Allocations LDD in 2014 the site was removed from the Green Belt.

3 Description of Proposed Development

- 3.1 This application seeks to vary condition 12 attached to reserved matters approval 23/0699/AOD. That application was described as shown at 1.3 above. Condition 12 lists the drawings that are approved, and the application seeks to substitute the approved elevation drawings with a fresh set of elevation drawings, in order to allow the following changes to be made:
- Removal of brick detailing from front elevations which was generally shown to be between ground and first floor windows, and front doors and first floor window above. The facades will no longer have any detailing.
 - Change to front porch design, to porches with a pitched roof instead of a flat roof.
 - Change to the arrangement/layout of rooftop solar PV panels.
 - Elevations show details of the position of bee and bat bricks.

4 Consultation

4.1 Statutory Consultation

4.1.1 Watford Rural Parish Council:

No response received.

4.1.2 Hertfordshire County Council – Rights of Way:

No response received.

4.1.3 London Borough of Harrow

No objection

4.1.4 National Grid:

No comments received.

4.2 Public/Neighbour Consultation

- 4.2.1 Site Notice: Posted 13 June 2025, expired 4 July 2025.
- 4.2.2 Press notice: Published 20 June 2025, expired 11 July 2025.
- 4.2.3 Number of neighbours consulted: 281. No responses received.

5 Reason for Delay

5.1 No delay.

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 the 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 The Environment Act 2021

6.2 Policy:

National Planning Policy Framework and National Planning Practice Guidance

6.2.1 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.

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.

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

The Development Management Policies Local Development Document (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, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5.

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

6.3 Other

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

7 Planning Analysis

7.1 Background

7.1.1 Outline planning permission was granted in May 2020 (and subsequently varied in October 2023) for a residential development of up to 53 houses as detailed at paras 1.2 and 1.4 above. Reserved matters approval was also granted in October 2023. Development has commenced on site with the majority of dwellings substantially complete externally. This application seeks to retrospectively revise the design of the dwellings as explained at paragraph 3.1 above. The appraisal below will consider those matters material to the change in design.

7.1.2 The proposed variation would have no impact on matters relating to the quality of the accommodation for future occupiers, impact on neighbours, highways or parking matters, biodiversity matters, trees and landscaping, pollution, flood risk and drainage or refuse and recycling.

7.2 Impact on the character and appearance of the street scene and locality

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 (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'.

7.2.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:

- i. Tandem development;
- ii. Servicing by an awkward access drive which cannot easily be used by service vehicles (this will be considered in a highways section below);
- iii. The generation of excessive levels of traffic (this will be addressed below);
- iv. Loss of residential amenity (this will be addressed below);
- v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)

7.2.3 The changes to the design are limited to the removal of some brick detailing, alterations to the porch design, and a variation to the layout of the rooftop solar PV. Whilst the loss of the brick detailing does impact the appearance of the dwellings, this is compensated in part by the new porch design, with the pitched roofs adding some articulation to the front façade which was not provided by the approved flat roofed porch canopies. The alterations to the PV panel layout are not considered to be harmful to the appearance of the buildings. The bat and bee bricks are very minor features on the elevation which have no material impact. Overall, it is not considered that the proposed amendments would cause any demonstrable

harm to the character or appearance of the development. They are therefore considered to be acceptable.

7.3 Mandatory Biodiversity Net Gain

7.3.1 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.

7.3.2 In this instance, the original planning permission was not required to provide mandatory BNG because it was made prior to mandatory BNG taking effect. As a result, this current application is exempt from mandatory BNG. The scheme would also be exempt by reason of being submitted retrospectively.

7.4 Sustainability

7.4.1 Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future and should help to shape places in ways which contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience.

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

7.4.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. The previously approved application was accompanied by an Energy Assessment and Sustainability Statement that confirmed the necessary reduction would be met. The applicant has advised that the alteration to the solar PV layout would not impact the scheme's ability to comply with DM4. This is secured by condition.

7.5 Conclusion

7.5.1 Overall, the proposed changes are considered to be acceptable and would not result in demonstrable harm to the design, character or appearance of the estate. On that basis, it is agreed that condition 12 may be varied.

7.5.2 Following the original grant of permission, details have been submitted to the LPA and approved in writing pursuant to conditions previously numbered 2 (materials), 3 (details of play equipment), 4 (timing of soft landscaping) and 5 (future management and maintenance of streets, footways and hard landscaped areas). Those conditions have therefore been reworded to account for the approved details. Furthermore, originally attached condition 1 has been removed, as this required the submission of an Arboricultural method statement for works in the root protection area of trees to the south of the site, and those works have been substantially completed. The order in which the conditions appear has been revised in accordance with planning practice guidance to ensure the conditions are listed in the order they need to be satisfied.

8 **Recommendation**

8.1 That the RESERVED MATTERS be APPROVED subject to the following conditions:

CAR PARKING MANAGEMENT PLAN

C1 Prior to the first occupation of the development hereby permitted, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning

Authority. This shall include details (excluding the replacement parking spaces labelled for Foxgrove Path residents to the north of the site) of the allocation of vehicle parking spaces within the development; management and allocation of parking spaces for mobility impaired persons; and long term management responsibilities and maintenance schedules for all communal parking areas and the internal access road. The parking management plan shall be carried out in accordance with the approved details for the lifetime of the development.

Reason: In the interests of highway safety and to ensure the free flow of vehicular and pedestrian traffic by ensuring car parking is managed having regard to the on site car parking layout, and to avoid obstructions on the road network, in accordance with Policy CP10 of the Core Strategy.

DETAILS OF MATERIALS

- C2 The external materials used in the construction of the development hereby approved shall only be those approved in the letter from the Local Planning Authority dated 24 June 2024 relating to discharge of condition application 24/0685/DIS.

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).

DETAILS OF PLAY EQUIPMENT

- C3 The play equipment approved by the Local Planning Authority in a letter dated 26 March 2025 relating to discharge of condition application 25/0284/DIS shall be installed in accordance with the details approved by this condition prior to the first occupation of any more than 40 homes, and permanently maintained as such thereafter.

Reason: To ensure the site provides suitable outdoor play opportunities for a range of ages, having regard to the limitations of other equipment in the immediate vicinity and to comply with the requirements of Policy DM11 of the Development Management Policies LDD.

DELIVER SOFT LANDSCAPING

- C4 The soft landscaping and tree planting shall be implemented in accordance with the details within Drawing Nos. PRI24170-11.01B Sheet 1 of 3, 11.02B Sheet 2 of 3 and 11.03B Sheet 3 of 3 and in accordance with the timetable approved in the Local Planning Authority's letter dated 1 August 2025 relating to discharge of condition application 25/1163/DIS.

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 required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required 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).

MAINTAIN HARD LANDSCAPING AND ROADS

- C5 The management and maintenance of the proposed streets, footways, and all hard landscaped areas within the development shall be undertaken in accordance with Revision G of the Landscape Management and Maintenance Plan as approved by the LPA in the letter dated 4 April 2025 in relation to discharge of condition application 25/0321/DIS.

Reason: In the interests of highway safety and to ensure the free flow of vehicular and pedestrian traffic by ensuring all hard landscaped areas are subject to a suitable maintenance strategy and remain safe to use in accordance with Policy CP10 of the Core Strategy.

OBSCURE GLAZING TO FLANK ELEVATIONS

- C6 Before the first occupation of an individual dwelling hereby approved, the windows at first floor level in the flank elevations of that dwelling shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The windows shall be permanently retained in that condition thereafter.

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).

OBSCURE GLAZING TO REAR OF 40-43

- C7 Before the first occupation of Plots 40-43, the windows at first floor level in the rear elevations serving the bathrooms as shown on drawing 122-(PL)-8802 shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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).

IMPLEMENT IN ACCORDANCE WITH ENERGY STATEMENT

- C8 Prior to the first occupation of each dwelling, the energy saving and renewable energy measures as set out in the Energy Assessment and Sustainability Statement shall have been provided in full for that dwelling. The energy saving and renewable energy measures shall be permanently maintained and retained thereafter.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible

PROVIDE BOUNDARY TREATMENTS

- C9 Prior to the first occupation of the development hereby approved, the boundary fences shown on Drawing No. PRI24170-12.01B, 12.02B and 12.03B to demarcate the garden areas to the dwellings shall be installed in accordance with the details shown on the drawing and permanently maintained as such thereafter.

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).

PROVIDE AND ALLOCATE CAR PARKING SPACES

- C10 No dwelling hereby approved shall be first occupied until the car parking spaces serving that dwelling as shown on Drawing 032-(PL)-8802 Rev D have been constructed and marked out only in accordance with the details shown on Drawing 032-(PL)-8802 Rev D.

Reason: To ensure suitable allocation of car parking spaces for each dwelling within the development, to comply with Policy CP10 of the Core Strategy, and Policies DM13 and Appendix 5 of the Development Management Policies LDD.

IN ACCORDANCE WITH APPROVED PLANS

- C11 The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing Site Drawings

010-(PL)-8802

011-(PL)-8802

Proposed Site Layout Drawings

001-(PL)-8802 M

002-(PL)-8802 D

003-(PL)-8802 D

021-(PL)-8802 B

030-(PL)-8802 D

031-(PL)-8802 F

032-(PL)-8082 D

034-(PL)-8082 D

035-(PL)-8082 D

036-(PL)-8082

037-(PL)-8082 C

Proposed Floor Plans

110-(PL)-8802 C

111-(PL)-8802 D

112-(PL)-8802 B

120-(PL)-8802 B

121-(PL)-8802 B

122-(PL)-8802

130-(PL)-8802 B

140-(PL)-8802 B

Proposed Elevations

WD-10 Rev G

WD-20 Rev H

WD-30 Rev G

WD-40 Rev G

WD-50 Rev G

WD-60 Rev G

WD-70 Rev F

WD-80 Rev F

Proposed Sections

300-(PL)-8802 C

301-(PL)-8802 B

Proposed Street scenes and perspectives

310-(PL)-8802 B
400-(PL)-8802 B
401-(PL)-8802 B
402-(PL)-8802 B

Landscaping Drawings

PRI24170-10 REV C

PRI24170-11.01 REV B, PRI24170-11.02 REV B, PRI24170-11.03 REV B (Soft Landscape)

PRI24170-12.01 REV B, PRI24170-12.02 REV B, PRI24170-12.03 REV B (Hard Landscape)

Reason: For the avoidance of doubt, in the proper interests of planning in accordance with PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), DM1, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), and the NPPF (2023).

MAINTAIN SOFT LANDSCAPING

- C12 The areas of soft landscaping contained within the development hereby permitted shall be maintained in accordance with the Landscape Ecological Management Plan (August 2023 Ref 2311-PHA) and the Soft Landscape Management and Maintenance Plan (dated August 2023, reference PRI24170-man rev C dated 16.10.23) throughout the use of the development.

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

ACHIEVE BNG

- C13 The development hereby permitted shall be implemented in accordance with the principles contained within the report Biodiversity Metric 4.0 (August 2023, report 2311-PHA) and with the details on Drawings PRI24170-11 Rev B Sheet 1, 2 and 3.

Reason: To ensure that the net gains to biodiversity contained within the submission are achieved, to accord with Policy DM6 of the Development Management Policies LDD (July 2013) and Part 15 of the NPPF (2023).

LIGHTING

- C14 No lighting, including any street lighting, shall be installed within the development site hereby approved until details have first been submitted to an approved in writing by the Local Planning Authority relating to the design, appearance, luminance and direction of the lighting, and how it is designed to avoid adverse impacts on protected species and the amenities of neighbouring occupants. The lighting shall thereafter be installed only in accordance with the details approved by this condition.

Reason: To ensure that any lighting is designed to minimise light pollution and adverse impacts on the amenities of neighbours and on protected species, in accordance with Policies DM1, DM6 and DM9 of the Development Management Policies LDD.

REMOVE PD RIGHTS

- C15 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

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

Class B - enlargement consisting of an addition to the roof

Class E - provision of any building or enclosure

Class F - any hard surface

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

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

8.2 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 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).

- 14 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.
- 15 The applicant is advised that the housing tenures as shown on the drawings accompanying this application including drawing 037-(PL)-8802 are indicative only

and any grant of approval of this application does not infer or imply those matters to be approved or secured. Affordable housing matters fall to be assessed and secured only via the outline planning application (23/0701/OUT) and related planning conditions, and any subsequent permission granted under S73 of the Town and Country Planning Act.

- 16 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>.
- 17 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 was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

- a) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
- b) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

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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25/0986/FUL – Variation of Condition 12 (Plans) pursuant to reserved matters application 23/0699/AOD to allow alterations to facade to all dwellings including removal of burglar bond (brickwork to elevation) , alterations to porch roof design and solar panels layout at LAND TO SOUTH OF FOXGROVE PATH/HEYSHAM DRIVE, SOUTH OXHEY, WATFORD, WD19 6YL





Planning Committee – 14 August 2025

25/0987/RSP – Retrospective: Installation of substation at Land to south of Foxgrove Path/Heysham Drive, South Oxhey, Watford, WD19 6YL

Parish: Watford Rural

Ward: South Oxhey

Expiry of Statutory Period: 15 August 2025
Extension of time agreed to 27 August 2025

Case Officer: Adam Ralton

Recommendation: That subject to no further material considerations being raised, retrospective planning permission be granted.

Reason for consideration by the Committee: The application site includes land owned by Three Rivers District Council.

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=SXF61XQFGSG00>

1 Relevant Planning History

- 1.1 17/2053/OUT: Outline Application: Residential development of up to 49 dwellings, comprising a mix of houses and apartments, construction of parking spaces, landscaping and ancillary works (all matters reserved). **Approved** January 2018.
- 1.2 19/2419/OUT: Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved). **Approved** May 2020.
- 1.3 23/0699/AOD: Approval of Details: Residential development of 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (Reserved matters application containing details of appearance, landscaping, layout and scale pursuant to Condition 1 attached to Outline Planning Permission 19/2419/OUT). **Approved** October 2023.
- 1.4 23/0701/OUT: Variation of Condition 4 (Affordable Housing), Condition 5 (Specification of Access), and Condition 7 (Bus stop and Crossing works) attached to outline planning permission 19/2419/OUT (Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved)) to reflect the scheme coming forward as 100% affordable (a mix of affordable rent and shared ownership), and to ensure the development can commence prior to the details of the new access point, bus stop and crossing points being approved. **Approved** October 2023.
- 1.5 25/0986/FUL: Variation of Condition 12 (Plans) pursuant to reserved matters application 23/0699/AOD to allow alterations to facade to all dwellings including removal of burglar bond (brickwork to elevation), alterations to porch roof design and solar panels layout. Under consideration.
- 1.6 A number of applications to discharge conditions attached to outline planning permission 23/0701/OUT and reserved matters permission 23/0699/AOD have been submitted to the LPA for consideration. These applications are not listed here but are available on the online planning register.

2 Description of Application Site

- 2.1 The wider land around the application site has an area of approximately 1.6 hectares and is located to the south of Heysham Drive and Foxgrove Path. The site contains a parcel of land currently under development to provide 53 houses. The development is well advanced, with many houses substantially complete externally. The application site (red line) for the current application includes the access to the site from Foxgrove Path, and an area approximately 47 metres into the site from Foxgrove Path. The red line includes the electricity substation, already constructed and forming part of this application, and six car parking spaces provided within the site to compensate for the loss of car parking at Foxgrove Path once highway access works are completed.

3 Description of Proposed Development

- 3.1 This application seeks retrospective planning permission for the construction of an electricity substation. The substation itself measures 2.8m in width and depth, and 2.4m high. It is constructed on a concrete base approximately 4m wide by 5m deep. The substation is finished in a GRP (glass-reinforced plastic) cover finished in a mid-brown colour.

4 Consultation

4.1 Statutory Consultation

4.1.1 Watford Rural Parish Council:

No comments received.

4.1.2 National Grid: [No objection]

After receiving the details of your planning application , we have completed our assessment. We have no objection to your proposal from a planning perspective.

4.2 Public/Neighbour Consultation

- 4.2.1 Site Notice: Posted 24 June 2025, expired 15 July 2025.
- 4.2.2 Press notice: Published 4 July 2025, expired 25 July 2025.
- 4.2.3 Number of neighbours consulted: 34
- 4.2.4 Responses received: 0

5 Reason for Delay

- 5.1 Committee cycle.

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 the 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 The Environment Act 2021.

6.2 National Planning Policy Framework and National Planning Practice Guidance

6.2.1 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.

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).

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.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1 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 DM6 and DM9.

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

6.4 Other

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

7 **Planning Analysis**

7.1 Background

7.1.1 Outline planning permission was granted in October 2023 for a residential development of up to 53 houses. Reserved Matters were granted planning permission in October 2023 at the same planning committee meeting. Since then, the development has commenced and above ground construction works are nearing completion, with works relating to hard and soft landscaping commencing. As part of the development, an electricity substation has been constructed on site, and this application seeks retrospective planning permission for that substation.

7.2 Impact on the character and appearance of the area

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 (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'.

- 7.2.2 The substation does not appear as a feature commonly found within the context of the street scene. Whilst functional in appearance, it is a small-scale structure and set within the confines of a residential development site such that the harm caused by its appearance would be very limited. The submitted plans show the substation would be screened in part from the street scene by proposed soft landscaping and subject to this mitigation being secured by condition, the harm caused by the structure would be reduced further. Given its limited size and the wider residential context of its siting, and subject to a condition requiring soft landscaping to be provided it is not considered that the substation results in demonstrable harm to the character or appearance of the area. The proposal is considered acceptable, having regard to Core Strategy Policies CP1 and CP12.

7.3 Impact on amenities 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'. DM9 sets out that the council will refuse planning permission for development which would or could give rise to polluting emissions by reason of disturbance. It states that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing development.
- 7.3.2 The substation is located at least 8m from the nearest residential dwelling on Foxgrove Path. It is a small structure and given its size and the separation distance it would not appear overbearing or visually intrusive when viewed from the neighbouring property. Furthermore, given its size and siting relative to the neighbours, no adverse impact is anticipated in respect of noise or vibration.

7.4 Landscaping and Biodiversity

- 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 substation has been built on land within a residential development site, which was a field prior to this. The construction has not resulted in any obstruction to the completion of the approved soft landscaping scheme forming part of the approved residential development. The submitted drawings include additional hedging/landscaping to be planted around the substation to soften its visual impact, in the form of 22 ceanothus arboreus plants. These are described by the Royal Horticultural Society as large, vigorous spreading evergreen shrubs. The proposed soft landscaping is considered acceptable to filter views of the substation, and subject to this being secured by condition no objection is raised.
- 7.4.3 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.
- 7.4.4 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

is subject to the de minimis exemption. The LPA considers this to be correct, however in any case the application is retrospective, and retrospective applications are not subject to BNG.

7.5 Other Matters and Conclusion

- 7.5.1 The substation has no material impact on car parking or highways matters, nor on the drainage strategy for the site. Subject to conditions, the substation is considered to be acceptable.
- 7.5.2 The applicant served notice on Three Rivers District Council as landowner on 28 July 2025. No decision can be made on the application within 21 days of this date, and as a result the recommendation is to approve subject to no new material considerations being raised during this period.

8 Recommendation

- 8.1 That subject to no new material considerations being raised by 19 August 2025, RETROSPECTIVE PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The proposed additional soft landscaping, in the form of one set of 10 and one set of 12 *Ceanothus arboreus* planting, shall be carried out before the end of the first planting and seeding season following the date of this grant of planning permission or the first occupation of any dwelling approved under outline planning permission 23/0701/FUL and reserved matters application 23/0699/AOD, whichever is sooner.

If 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 required to ensure suitable screening is given to the substation to mitigate against its visual impact on the street scene and wider 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).

8.2 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 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 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 condition 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>.

- I3 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.

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25/0987/RSP – Retrospective: Installation of substation at Land to south of Foxgrove Path/Heysham Drive, South Oxhey, Watford, WD19 6YL



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PLANNING COMMITTEE - 14 August 2025

25/1126/FUL – Variation of Condition 2 (Plans) and Condition 4 (Materials) pursuant to planning permission 25/0288/FUL at CHORLEYWOOD MONTESSORI NURSERY, CHORLEYWOOD HOUSE ESTATE. RICKMANSWORTH ROAD, CHORLEYWOOD, RICKMANSWORTH, HERTS, WD3 5SL.

Parish: Chorleywood
Expiry of Statutory Period: 26.08.2025

Ward: Chorleywood North and Sarratt
Case Officer: Claire Wilson

Recommendation: That Planning Permission is granted.

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

To view all documents forming part of the application, please go to the following website:
[25/1126/FUL | Variation of Condition 2 \(Plans\) and Condition 4 \(Materials\) pursuant to planning permission 25/0288/FUL to allow alterations to materials and fenestration including removal of windows in the lobby | Chorleywood Montessori School Chorleywood House Estate Rickmansworth Road Chorleywood Rickmansworth Hertfordshire WD3 5SL](#)

1 Relevant Planning History

- 1.1 06/2078/FUL - New disabled ramp to the front of the building. Application permitted.
- 1.2 25/0288/FUL - Erection of a single storey detached building for educational purposes. Application permitted. Permission not implemented.

2 Description of Application Site

- 2.1 The red line defining the application site consists of 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 Chorleywood 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 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 submitted at the time of the previous planning application 25/0288/FUL 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 Planning application 25/0288/FUL for the erection of a single storey detached building for educational purposes was granted planning permission on 22 April 2025. The application was granted subject to conditions including the following:

2) 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).

4) 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).

- 3.2 Planning permission 25/0288/FUL has not been implemented to date.
- 3.3 The applicant is now proposing to make changes to the approved plans including alterations to the approved fenestration detail, and alterations to the approved external finishes.
- 3.4 The fenestration detail has been amended as follows:
- Number of windows in the right elevation facing the boundary reduced from four to three;
 - Window adjacent to entrance door removed from plans;
 - Windows in rear elevation reduced in number from three to two;
 - Rooflights reduced in size.
- 3.5 In addition, the width the external area at the top of the access ramp has increased to extend further under the roof overhang to allow more space for parents for queuing and to shelter under the roof form when waiting.
- 3.6 The building was approved as being timber clad of light brown colouring, whilst the roof was proposed to be a grey metal roof. The external walls would still be timber clad, however, the plans now specify that this would be painted RAL 8022 (black brown colour). The roof form would be finished in synthetic slate and would be Ash in colour. The other aspects of the development remain unchanged as follows:
- 3.7 *The building would have a depth of approximately 8m and a maximum width of approximately 14.6m. It would be located on the existing area of hardstanding, a minimum of 1.9m from the eastern boundary of the site. The building would be of the same general design, in that it would have a pitched roof form with gable ends and would have a maximum height of 4.6m. A ramped access is still proposed to provide access to the proposed lobby area.*

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: No response at time of writing.

4.1.2 Landscape Officer: No response at time of writing.

4.1.3 Herts Highways: [No objection]

The main amendments comprise changing materials of the roof, changing the cladding colour, increasing the external area at the top of the access ramp and changes to the fenestration.

HCC as Highway Authority would not have any specific comments or objections to the variation of conditions.

4.1.4 TRDC Property Services: No response at time of writing.

4.1.5 National Grid: No response at time of writing.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 1

4.2.2 No of responses received: None received

4.2.3 Site Notice: Expiry: 28.07.2025

4.2.4 Summary of Responses: N.A

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 Planning Background

7.1.1 Planning permission 25/0288/FUL was granted in April 2025 for the erection of a single storey detached building at Chorleywood Montessori Nursery. The building as approved would provide a new learning/play, kitchenette, cloakroom and toilets, providing accommodation for an additional 30 children. As a result, the nursery school would then be able to accommodate a total of 67 children at any one time.

7.1.2 At the time of application 25/0288/FUL, it was noted that the existing nursery school was already at capacity, with a two year waiting list for certain age groups. Furthermore, the supporting information received at the time, noted that the Local Educational Authority (HCC) had awarded the nursery a grant to support their expansion proposals in recognition of the pressure for additional early years places in the locality. As such, it was viewed that the additional building was required in order to meet a demonstrable need in the area. To date, the permission has not been implemented.

7.1.3 The current planning application relates to a variation of condition 2 (approved plans) and 4 (external materials). Consequently, given the principle of the development and the scale of the building has been approved, the analysis below shall only focus only the proposed amendments. A copy of the previous committee report is attached at **Appendix A** for information purposes.

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;*
 - 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 At the time of the previous planning application, it was found that the development would not meet any of the identified exceptions and therefore would be regarded as an inappropriate form of development. However, it was concluded that the site could be considered as grey belt land and met the requirements of paragraph 155 of the NPPF. This still remains the case when considering the current planning application. Furthermore, it is not considered that the alterations to the proposed external materials, area of the access ramp or fenestration detail would increase the visual prominence of the development within the Green Belt and consequently, no objections are raised in this regard.

7.2.7 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. The proposed amendments to the application are not considered to alter this conclusion and the development is therefore considered acceptable and in accordance with the provisions of the NPPF.

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 As set out the principle of the development and the scale and design of the building has been previously approved. The alterations to fenestration detail would not increase the prominence of the building and would not impact on the National Landscape Area. With regard to the external finishes, the building would still remain as timber clad, however, a darker black/brown colour is now proposed rather than the lighter colour approved previously. The existing nursery is a dark timber cladding and as such, it is not considered that this would be an inappropriate external finish. Likewise, the adjacent sports building is also a darker cladding. The roofing material is now proposed to be a slate finish rather than metal. A dark slate finish would be sympathetic to the design of the building and would not be inappropriate within the National Landscape Area. A condition would be attached requiring the materials to be as proposed.
- 7.3.6 The alterations to fenestration detail would have no impact on the appearance of the building or on heritage assets.
- 7.3.7 In summary, it is not considered that the development would impact on the character of the area. In addition, it would not detract from the setting of the National Landscape or the public enjoyment of the area. The proposed development is considered to be acceptable and in accordance with Policy CP12 of the Core Strategy, 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'.
- 7.4.2 The proposed amendments relate to changes to the external materials and fenestration detail. Given the location of the building, it is not considered that there would be any harm to the amenities of nearby residents. However, the previous conditions relating to hours of use (0800-1800 each weekday and not on Saturdays, Sundays or bank holidays) and a restriction on the number of children attending to a total of 67 are still considered necessary.
- 7.4.3 Subject to the suggested conditions, the development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).
- 7.5 Highways, access and car parking
- 7.5.1 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'.
- 7.5.2 There are no alterations proposed to the existing access to the site. Furthermore, at the time of the previous permission, the Highways Officer noted that whilst the proposed development would increase pupil numbers, the number of trips generated on the highway network would not be severe.
- 7.5.3 With regard to off street car parking, the proposed amendments to materials and fenestration detail would not have any impact on the requirement for off street car parking provision or the conclusions made at the time of the previous application, which found the shortfall in off street car parking to be acceptable. As per the previous permission, a condition requiring a Green Travel Plan to be submitted shall be added to this permission.

- 7.5.4 The proposed 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.
- 7.6 Trees and Landscaping
- 7.6.1 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.
- 7.6.2 The current application relates to alterations to the approved materials and fenestration detail, with the building sited in the same position and footprint. At the time of the previous application, the Landscape Officer advised that a condition should be attached to any consent requiring the applicant to undertake development in accordance with the submitted tree protection method statement. This condition is therefore still considered to be relevant and would ensure that the development would still be in accordance with Policy DM6 of the Development Management Policies LDD.
- 7.7 Wildlife and Biodiversity
- 7.7.1 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.
- 7.7.2 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. It is noted that the application is accompanied by a Protected Species Scoping Report. It is noted that this is dated 24th June 2023 and therefore is technically out of date. However, having regard to the nature of the building to be demolished, it is not considered that there would be any significant harm to bats with the report noting that the location of the site and form of the garage, meant that it offered 'negligible' bat roosting potential. These findings are still considered applicable. An informative shall be added reminding the applicant of what to do should bats be found during the course of the development.
- 7.7.3 The original application was accompanied by a Preliminary Ecological Appraisal which included 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. As with the previous approval, 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.
- 7.8 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 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.

7.9 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 proposed changes would not impact on the existing refuse and recycling arrangements on site and thus no objections are raised in this regard.

8 **Recommendation**

That PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The development hereby permitted shall be begun before the 22 April 2028.

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:

TRDC 001 (Location Plan), 597.25-CH-IL-OPT1-A1 REV 2

Reason: For the avoidance of doubt, in the proper interests of planning in accordance with Policies PSP1, C9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM3, DM4, DM6, DM8, DM9 and Appendix 5 ; of the Development Management Policies LDD (adopted July 2013) and 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 597.25-CH-IL-OPT1-A1 REV 2 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).

8.1 **Informatives:**

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

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

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 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.
- 16 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.
- 17 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
- 18 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-andenvironment/countryside-access/rights-of-way/rights-of-way.aspx> or by c

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.



