
PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held on Thursday, 18 June 2026 at 7.30 pm at Penn Chamber, Three Rivers House, Rickmansworth WD3 1RL.

Members of the Planning Committee:-

Councillors:

Chris Whately-Smith (Chair)
Oliver Cooper
Stephen Cox
Raj Khiroya
Chris Mitchell

Elinor Gazzard (Vice-Chair)
Debbie Morris
Reena Ranger
Tom Smith

*Joanne Wagstaffe, Chief Executive
Wednesday, 10 June 2026*

The Council welcomes contributions from members of the public on agenda items at 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 meeting. 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 - 14)

To confirm as a correct record the minutes of the Planning Committee meeting held on 27 May 2026.

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. 23/0483/FUL: Change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; and widening of existing access track, internal alterations and alterations to fenestration at Croxley House, Croxley Green, Rickmansworth, Herts WD3 3JB.

(Pages 15 - 96)

Change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; and widening of existing access track, internal alterations and alterations to fenestration at Croxley House, Croxley Green, Rickmansworth.

Recommendation: that planning permission is granted subject to conditions.

6. 23/0484/LBC: Listed Building Consent: Change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; widening of existing parking access track, internal alterations and alterations to fenestration at Croxley House, Croxley Green, Rickmansworth, Herts WD3 3JB.

(Pages 97 - 178)

Listed building consent: change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral

stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; widening of existing access track, internal alterations and alterations to fenestration at Croxley House, Croxley Green, Rickmansworth.

Recommendation: that listed building consent is granted subject to conditions.

7. **25/1691/FUL – Replacement of The Glade Bridge at The Glade Bridge Over The River Colne, Adjacent Grand Union Canal Off Church Street, Rickmansworth** (Pages 179 - 208)

Replacement of the Glade Bridge at the Glade Bridge over the River Colne, adjacent Grand Union Canal off Church Street, Rickmansworth.

Recommendation: that planning permission be approved subject to conditions.

8. **26/0039/FUL – Erection of two self-build detached dwellings, alterations to existing vehicular access and land levels and proposed associated landscaping at The Dell, Long Lane, Heronsgate, Hertfordshire, WD3 5DJ** (Pages 209 - 266)

Erection of two self-build detached dwellings, alterations to existing vehicular access and land levels and proposed associated landscaping at The Dell, Long Lane, Heronsgate.

Recommendation: that subject to the completion of a Section 106 Agreement securing an off-site affordable housing financial contribution, two self-build dwellings and associated monitoring fee(s) that the application be delegated to the Head of Regulatory Services to grant planning permission subject to conditions.

9. **26/0194/OUT: Outline Application: Demolition of existing development and redevelopment of the Site, including the construction of up to 333 dwellings (Use Class C3) of which 50% affordable housing, 66 bed Care Home (Use Class C2), Medical Centre (Use Class E (e)), Local Centre [containing Retail (Use Class E (a-c)), Community Facilities (use Class F2) and Cafe (Use Class E(a))] and associated play space, parking and associated infrastructure. New vehicular access onto Shepherds Lane and pedestrian and cycle accesses onto Shepherds Lane and Berry Lane, bus stop, bike station, landscaping, pedestrian / cycleway access routes, green infrastructure including community amenity space, allotments, play areas, outdoor gym trail / equipment and associated infrastructure including sustainable urban drainage systems (all matters reserved except for access) at Catlips Farm, Berry Lane, Chorleywood** (Pages 267 - 378)

Outline application: demolition of existing development and redevelopment of the Site, including the construction of up to 333 dwellings (Use Class C3) of which 50% affordable

housing, 66 bed Care Home (Use Class C2), Medical Centre (Use Class E (e)), Local Centre [containing Retail (Use Class E (a-c)), Community Facilities (use Class F2) and Cafe (Use Class E(a)) and associated play space, parking and associated infrastructure. New vehicular access onto Shepherds Lane and pedestrian and cycle accesses onto Shepherds Lane and Berry Lane, bus stop, bike station, landscaping, pedestrian / cycleway access routes, green infrastructure including community amenity space, allotments, play areas, outdoor gym trail / equipment and associated infrastructure including sustainable urban drainage systems (all matters reserved except for access) at Catlips Farm, Berry Lane, Chorleywood.

Recommendation:

(1) That Members agree for officers to arrange a site visit prior to this application being presented to Planning Committee for a decision; and

(2) That the Committee notes the report and is invited to make general comments with regard to the material planning issues raised by the application.

- 10. 26/0325/RSP – Part Retrospective: Erection of raised terrace area including associated steps, landscaping and plant room following alterations to existing rear patio, plant room and hard surfacing at Sandalwood, 7a Wolsey Road, Moor Park, Northwood, HA6 2HN** (Pages 379 - 406)

Part retrospective: erection of raised terrace area including associated steps, landscaping and plant room following alterations to existing rear patio, plant room and hard surfacing at Sandalwood, 7a Wolsey Road, Moor Park, Northwood.

Recommendation: that part retrospective planning permission be approved subject to conditions.

11. Other Business - if approved under item 3 above

Exclusion of Public and Press

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

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

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

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



Three Rivers House
Northway
Rickmansworth
Herts WD3 1RL

Planning Committee MINUTES

**Of a meeting held in the Penn Chamber, Three Rivers House, Rickmansworth, on
Wednesday, 27 May 2026 from 7.30 - 9.27 pm**

Present: Councillors Chris Whately-Smith (Chair), Elinor Gazzard, Oliver Cooper, Stephen Cox, Raj Khiroya, Debbie Morris, Reena Ranger, Narinder Sian and Tom Smith

Also in Attendance:

Parish Councillors Diana Barber (Batchworth Community Council), Jon Bishop (Chorleywood Parish Council), Andrew Gallagher (Croxley Green Parish Council) and Jon Tankard (Abbots Langley Parish Council)

Officers in Attendance:

Emma Lund, Senior Committee Officer
Tom Norris, Senior Planning Officer
Matthew Roberts, Development Management Team Leader
Kimberley Rowley, Head of Regulatory Services
Claire Wilson, Principal Planning Officer

PC135/25 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Mitchell, who was replaced by Councillor Sian for this meeting only.

PC136/25 MINUTES

The minutes of the Planning Committee meeting held on 23 April 2026 were confirmed as a correct record and signed by the Chair.

PC137/25 NOTICE OF URGENT BUSINESS

There were no items of urgent business.

PC138/25 DECLARATIONS OF INTEREST

Councillor Khiroya declared a non-pecuniary interest in agenda item 11 (26/0373/ADV – 15 Money Hill Parade, Rickmansworth), having a business interest in a property located opposite the application site.

Councillor Sian declared a non-pecuniary interest in agenda item 8 (26/0073/RSP – 9 The Crescent, Croxley Green) as he had been previously involved with the application. Councillor Sian stated that he would leave the room whilst the application was discussed and would not participate in determining it.

PC139/25 25/0590/FUL – CHANGE OF USE OF LAND TO CREATE 4 GYPSY AND TRAVELLER PITCHES INCLUDING 2 AMENITY BUILDINGS AND ASSOCIATED HARDSTANDING AND ACCESS AT LAND TO THE NORTH OF TOMS LANE, KINGS LANGLEY, HERTFORDSHIRE

The application was for change of use of land to create 4 gypsy and traveller pitches including 2 amenity buildings and associated hardstanding and access at Land to the North of Toms Lane, Kings Langley.

The Planning Officer provided updates as follows:

- Officers considered it reasonable to add a condition to require that the new gated entrance shall at all times only open inwards towards the application site rather than outwards towards Toms Lane, for highways safety reasons.
- A condition requiring on-site cycle storage should also be secured and made available for use by future occupants prior to first occupation of the development.
- A further condition securing a fire hydrant on site was also required, to ensure that the development was adequately served in the event of a fire. This would address concerns raised by Hertfordshire Fire & Rescue Service as outlined in the report.

Parish Councillor Jon Tankard of Abbots Langley Parish Council spoke against the application.

The agent spoke in favour of the application.

Points raised by the speaker against the application included: the character of the area was suburban rather than semi-rural and the application and change of use was not in keeping with the suburban character of Toms Lane; an un-related recent application at another site on Toms Lane had been refused by the committee on the basis of concerns which included intensification and the impact on the linear pattern of Toms Lane. Consistency of approach was therefore needed with this application; and there were also concerns about contamination arising from the site's previous use.

Points raised by the speaker in favour of the application included: the application would provide good quality accommodation for a family, and would also free up two pitches on the Sandy Lane site for families who could not afford to develop their own site; there was an established need for gypsy and traveller pitches in the district; the site was Grey Belt and the proposal would not fundamentally undermine the purposes for including the land in Green Belt; and the site was a carefully-designed traveller site with a large area of screening and would retain verdant land at the back.

In response to the points raised by the speaker against the proposal, the Planning Officer set out the reasons why the site was considered to be Grey Belt and not Green Belt, as presented in the report, and the previous planning and appeal history which had informed the officers' view. The Planning Officer also highlighted the need for the application to be assessed on its own merits, noting that there were differences in context in relation to the nearby unrelated application which had recently been refused. In relation to contamination, there had been a requirement for an Environmental Phase One and Phase Two report to be submitted which had been assessed by an Environmental Health Officer who had concluded that the measures identified in the report could be adequately dealt with via planning condition.

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

- A Committee Member commented that the Planning Policy for Traveller Sites set out that the golden rules did not apply to traveller sites. There was therefore only a requirement for

the tests under paragraph 155 to be met. However, development of traveller sites in the Green Belt would be inappropriate on the same basis as other kinds of development. The issue of whether the site was Grey or Green Belt was therefore key. In response the Planning Officer summarised the reasons for the officers' assessment of the site as Grey Belt as set out in the report, noting that it was considered that the development would make a weak or no contribution to purposes (a), (b) or (d) of paragraph 143 of the NPPF and that the contribution towards purpose (c) was considered to be limited given the scale of the proposed development and the existing and enhanced screening. Additionally, the development would not result in conflict with purposes d) or e). As a result, the development would not fundamentally undermine the purposes of the remaining Green Belt when taken together. As such, it was considered that the application site constituted 'Grey Belt' land and would satisfy the first point of paragraph 155. In debate Committee Members generally supported the conclusion that the site was Grey Belt, noting that whilst Abbots Langley and Kings Langley could be considered to be marginally-sized towns, Bedmond was not a town, and the site itself would not result in the merging of neighbouring towns.

- A Committee Member expressed the view that great weight should be given to the need for gypsy and traveller pitches in the district. The proposal was well-designed and would be sited in a sustainable location with both a school and sports pavilion in close proximity. Additionally, it would make effective use of a parcel of land which would otherwise be difficult to develop.
- A Committee Member expressed concern that the screening of the site and the verdant land at the back may be eroded or removed over time and queried whether there was a mechanism by which retention of these features could be secured in order to prevent any visual harm. Additionally, it was considered that there was a risk that the use of the land to the front which was designated a garden may be subject to change, leading to visibility of domestic paraphernalia. Another Committee Member highlighted the risk of encroachment at the back of the site and questioned whether planning conditions may be added to prevent the area becoming messy. Officers responded that given that the hedgerow served a planning purpose, a Landscape Management Plan could be conditioned which would require the hedgerow to be replaced or replanted with similar native species if it should die or otherwise be removed and requiring ongoing management over the lifetime of the development. With regard to the grassland at the back, this formed an important function as part of the Biodiversity Net Gain and accordingly would need to be safeguarded to ensure that those habitats and the BNG were secured for 30 years. As the application was for residential use, planning permission would be required for any further development. However, if considered necessary a condition could be added requiring that no residential use, including station of caravans, parking, or placing of domestic paraphernalia should take place on any other part of the land defined by the hatched blue line shown on location plan (i.e. the land to the north). The reason for the condition would be to safeguard biodiversity management and enhancement over the 30 years.

Councillor Gazzard moved, and Councillor Khiroya seconded, that planning permission be granted subject to conditions and (i) additional conditions relating to the gated entrance, cycle storage, fire hydrant and restricting residential use to the application site; and (ii) amendment to condition 17 to include a landscape management plan.

On being put to the vote this was carried, the voting being 8 in favour, 1 against, 0 abstentions.

RESOLVED: that planning permission be granted subject to conditions and (i) additional conditions relating to the gated entrance, cycle storage, fire hydrant and restricting residential use to the application site; and (ii) amendment to condition 17 to include a landscape management plan.

PC140/25 25/0980/RSP – PART RETROSPECTIVE: REMOVAL OF ORIGINAL FRONT CANOPY PORCH; REMOVAL OF ORIGINAL CHIMNEY STACK; REMOVAL OF ORIGINAL RIDGE TILES AND FINIALS; REMOVAL OF ORIGINAL BARGEBOARDS; CONSTRUCTION OF SINGLE-STOREY FRONT EXTENSION, INCLUDING NEW PORCH WITH NEW FRONT DOOR AND FENESTRATION AND WINDOW TO REPLACE GARAGE DOOR; REPLACEMENT WINDOWS; CONSTRUCTION OF NEW CHIMNEY STACK; CREAM PAINTED RENDER; REPLACEMENT RIDGE TILES AND FINIALS, CONSTRUCTION OF SINGLE-STOREY REAR EXTENSION AND ASSOCIATED RAISED PATIO; REAR ROOFLIGHT; REMOVAL OF FRONT LANDSCAPING AND DRIVEWAY EXTENSION; AND ALTERATIONS TO FRONT BOUNDARY TREATMENT, INCLUDING BRICK SLIPS TO RENDERED FRONT WALLS AT SANDS, SHIRE LANE, CHORLEYWOOD, RICKMANSWORTH, HRTFORDSHIRE WD3 5NH

The application was part retrospective for removal of original front canopy porch; removal of original chimney stack; removal of original ridge tiles and finials; removal of original bargeboards; construction of single-storey front extension, including new porch with new front door and fenestration and window to replace garage door; replacement windows; construction of new chimney stack; cream painted render; replacement ridge tiles and finials, construction of single-storey rear extension and associated raised patio; rear rooflight; removal of front landscaping and driveway extension; and alterations to front boundary treatment, including brick slips to rendered front walls at Sands, Shire Lane, Chorleywood, Rickmansworth.

The Planning Officer reported that there were no updates.

Parish Councillor Jon Bishop of Chorleywood Parish Council spoke on the application.

Points raised by the speaker included: the size and design of the ground floor rear extension (particularly the extent of the glazing) was not in keeping with the existing property and would be harmful to the Chorleywood Station Estate Conservation Area; this view was supported by the Conservation Officer; and there was no public benefit to offset the harm caused by the development.

The Planning Officer responded that the reason why the proposal was considered to be acceptable were set out within the report. It was clarified that the dormer window in the roof slope was excluded from the application, having been refused separately. The single storey rear extension did form part of the application, together with the retrospective changes at the front.

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

- A Committee Member expressed the view that many elements of the application were positive and would preserve and enhance the character of the Conservation Area, particularly in relation to those elements which were visible from the street. However, there were also parts of the application which were harmful.
- With regard to the objections raised by the Conservation Officer, the Planning Officer commented, in relation to the replacement of the previous timber-framed single glazed windows with UPVC, that the Planning Inspector had concluded at an appeal elsewhere in the Conservation Area that UPVC windows were acceptable. The addition of glazing bars was considered by officers to be a slight enhancement. Officers were therefore of the view that the windows did preserve the character and appearance of the Conservation Area.
- In response to a question the Planning Officer clarified that the porch and the roof to the porch and the gabled front facing roof would be reconstructed to more closely resemble their appearance prior to the commencement of works, with the addition of a decorative barge

board, glazed front door and side fenestration. The roof above the converted garage would remain, but the roof material would be replaced by slate so that it matched the pre-existing and existing roof.

- In relation to the Conservation Officer's objection to the alterations to the driveway and the inclusion of gravel, a Committee Member commented that there were other gravel drives in the area. Another Committee Member supported the view that the gravel was not unduly harmful. In response to a question from a Committee Member as to whether the applicant could be required to include some planting on the driveway, the Planning Officer responded that such a requirement was unlikely to be considered reasonable given the number of other gravelled or paved driveways in the area and the site's location closer to the High Street.
- With regard to the Conservation Officer's remaining objections, the Planning Officer confirmed that no changes were proposed to the garage windows. Additionally, the window to the first floor side extension was considered on balance to preserve the character and appearance of the overall dwelling.
- A Committee Member expressed the view that looked at overall, the effect of the proposal would be to restore the character of the property. Additionally, the rear extension would not be visible from the street and would enhance the performance of the building. Other Committee Members supported the view that the proposal preserved the character of the Conservation Area.

Councillor Cooper moved, and Councillor Whately-Smith seconded, that part-retrospective planning permission be granted subject to conditions. On being put to the vote this was carried, the voting being 7 in favour, 1 against and 1 abstention.

RESOLVED:

That part-retrospective planning permission be granted, subject to conditions.

PC141/25 26/0033/FUL – EXTENSIONS TO EXISTING GROUND FLOOR AND EXTENSIONS TO CREATE FIRST AND SECOND FLOOR ACCOMMODATION, INCLUDING REAR DORMER WINDOW TO PROVIDE 1 SELF CONTAINED RESIDENTIAL DWELLING AT NO.1A GROVE ROAD, MILL END, RICKMANSWORTH WD3 8EB

The application was for extensions to existing ground floor and extensions to create first and second floor accommodation, including rear dormer window to provide 1 self-contained residential dwelling at no.1A Grove Road, Mill End, Rickmansworth.

The Planning Officer reported that since publication of the agenda the Conservation Officer had advised that they had no objections. The Conservation Officer did not consider that the development would impact on the setting of the nearby listed building, the Waterside, which was located on the opposite side of Uxbridge Road.

The Planning Officer also reported that one further objection had been received, which had referenced loss of light, concerns regarding access and the existing driveway, lack of dimensions on the plan, lack of detail on submitted drawings, noise and disturbance, loss of privacy, traffic concerns and impact on waste and drainage. These issues had been raised in other objections and were addressed in full in the officer's report.

Finally, the Planning Officer reported that paragraph 3.7 of the report required updating to reflect an amendment received during the course of the application. This was that there would only be one space for commercial vehicles at the rear of the site and no provision for car parking for the residential use to the rear.

A local resident spoke against the proposal.

The agent spoke in favour of the proposal.

Points raised by the speaker against the proposal included: the harmful impact on neighbouring residents; concerns regarding congestion and increased vehicle movements; insufficient parking provision leading to overspill parking in surrounding streets affecting safety for local school children and access for existing residents; scale and design; loss of privacy; overlooking; reduced daylight; insufficient infrastructure and concern that the application was not for a genuine residential use, but to enable extended trading hours of the associated commercial property.

Points raised by the speaker in favour of the proposal included: the proposal represented an efficient use of brownfield land, using space above an existing commercial unit to create a new high quality residential unit which was compliant with both local and national planning policies; the proposal incorporated various sustainable design principles and biodiversity improvements, including landscaping improvements to the frontage; the proposal introduced a new facade which would enhance the architectural character of the area; and consideration and been given in the design to ensure the development was not overbearing and did not overlook neighbouring properties.

In response to the points raised by the speaker against the proposal, the Planning Officer reported that the property was the only single storey unit on Grove Road and was sited in a mixed location. When the building was increased in height it would not be any higher than the adjacent units and would not be out of context with the street scene. The NPPF encouraged the efficient use of land above existing built forms, and so from this point of view it was considered to be acceptable in the officers' view.

In relation to the parking provision, the Planning Officer commented that the parking arrangements associated with the existing use would not change, with access via Uxbridge Road to a parking space the rear of the site. The residential use would be a 2-bedroom unit which, in terms of policy, would generally require two off-street car parking spaces. However, given the sustainable location of the site which was within walking distance to local shops and services, schools, and a doctor's surgery on Uxbridge Road, officers considered that there were reasonable alternatives in terms of walking and cycling and that future occupiers would not necessarily be reliant on a private vehicle. For these reasons, officers considered the proposal to be acceptable in terms of parking. Additionally, there were double yellow lines which prevented parking outside the application site.

With regard to the concern expressed about change of use, it was noted that some changes of use would not necessarily require planning permission. In any event this would be a separate matter to the application before the Committee.

In relation to neighbouring amenity impact, it was acknowledged that the proposal would alter the outlook and potentially result in some loss of light affecting the flank windows at 1 Grove Road. However, officers did not believe that living conditions would be sufficiently affected as to justify refusal on those grounds. As the property was situated in an urban area there was inherently some overlooking between properties. However, the spacing between the units and the absence of flank windows would, in the officers' view, prevent an unacceptable impact. A requirement that no further windows be added, except by grant of planning permission, would be conditioned.

Councillor Morris moved, and Councillor Smith seconded, that planning permission be granted subject to conditions.

On being put to the vote this was carried, the voting being unanimous.

RESOLVED:

That planning permission be granted subject to conditions.

PC142/25 26/0073/RSP – PART RETROSPECTIVE: CONSTRUCTION OF TWO STOREY SIDE EXTENSION, LOFT CONVERSION INCLUDING HIP TO GABLE EXTENSION AND REAR DORMER AND FRONT/REAR ROOFLIGHTS AT 9 THE CRESCENT, CROXLEY GREEN, RICLMANSWORTH, HERTFORDSHIRE WD3 3DU

Councillor Sian left the meeting room.

The application was part retrospective for construction of two storey side extension, loft conversion including hip to gable extension and rear dormer and front/rear rooflights at 9 The Crescent, Croxley Green, Rickmansworth.

The Planning Officer provided an update that condition 3 required amendment to include reference to No 8 (as well as No 10) in order to require the tile hanging to be applied to both dormer flanks, in accordance with the plans.

A local resident spoke against the application.

Parish Councillor Andrew Gallagher of Croxley Green Parish Council spoke on the application.

Points raised by the speakers against the application included: concerns about privacy and overlooking of neighbouring gardens and into children's bedrooms; the proposal would be dominant and overbearing and excessively prominent within the street scene; the proposal should be amended to reduce the scale and require obscure glazing, better window placement and natural screening; the proposal did not respect the character of the street scene, particularly with regard to roof form, positioning and style of windows and materials; and the proposal was contrary to the Three Rivers District Council Development Plan and Policy CA2 of the Croxley Green Neighbourhood Plan.

In response to the points raised by speakers in relation to privacy and overlooking, the Planning Officer responded that the brick flanks to the dormers would ordinarily be allowed as permitted development. Whilst the works which had been carried out to date were not in accordance with the Certificate of Lawfulness, and the proposal was contrary to the Council's design criteria, officers were of the view that that the rear dormer window, the hip to gable roof and the front rooflights would nonetheless be allowed under the General Permitted Development Order. There had therefore been a need to balance officers' reservations about the harm arising from the proposal against the fallback position of permitted development. The size of the dormer had been reduced since the original submission to match what would be achievable under permitted development. In response to a question, the Planning Officer reported that the element of the proposal which would not be within the scope of permitted development and which required specific permission was the two-storey side extension. Therefore, the Committee would need to consider whether there was any harm arising from the proposal in relation to the extension.

The Planning Officer also commented that the proposal would not push development any closer to residents of Cherry Croft. Whilst the back-to-back distances for some were below the design criteria, this was an existing situation which would not be exacerbated. The views from the first floor rear extension would be no greater; this was shown on the plans to be an ensuite bathroom and as such could be conditioned to required obscured glazing.

A Committee Member questioned whether - given that the dormer window was the main reason for concerns about privacy - any condition might be imposed (such as obscured glazing) to mitigate the impact. The Planning Officer responded that as the dormer window fell within permitted development, the applicant was allowed to use clear glazing in the window, and such a condition would be likely to be considered unreasonable. With regard to

conditioning obscured glazing to the ensuite in the first floor rear extension, the Planning Officer responded that given its use as a bathroom it was quite likely that the applicant would wish to use obscured glazing, or at least half and half. However, given that the window and extension would not go beyond the existing footprint, and was angled slightly to the south west (and not directly opposite other properties) it would likely be considered unreasonable to require obscured glazing by condition.

Several Committee Members expressed concerns about the proposal, considering that it included some elements which could not be considered acceptable, particularly in relation to overlooking. However, it was acknowledged that there was not any justification for refusal in planning terms.

Councillor Whately-Smith moved, and Councillor Smith seconded, that part-retrospective planning permission be granted subject to conditions and amendment to Condition 3 to require tile hanging to be applied to both flanks of the dormer window.

On being put to the vote this was carried, the voting being 4 in favour, 0 against and 4 abstentions.

RESOLVED:

That part-retrospective planning permission be granted subject to conditions and amendment to Condition 3 to require tile hanging to be applied to both flanks of the dormer window.

Councillor Sian re-joined the meeting.

PC143/25 26/0122/FUL – ALTERATIONS TO ELEVATIONS OF EXISTING CAR PARK BUILDING TO ENCLOSE UPPER FLOOR FOR COMMERCIAL USE (CLASS E), INCLUDING BRICKWORK AND WINDOWS; ASSOCIATED WORKS INCLUDING NEW RAMP AND STAIRCASE; AND LANDSCAPING ALTERATIONS AT TRINITY COURT, CHURCH STREET, RICKMANSWORTH, HERTFORDSHIRE WD3 1RT

The application was for alterations to elevations of existing car park building to enclose upper floor for commercial use (Class E), including brickwork and windows; associated works including new ramp and staircase; and landscaping alterations at Trinity Court, Church Street, Rickmansworth.

The Planning Officer reported that a query had been raised in advance of the committee meeting regarding an earlier permission at the site. Clarification was provided that the wider site was subject to a separate prior approval permission for the conversion of the three-storey office building to 38 residential flats, although this permission had not been implemented. The application now before the committee had been assessed on its own merits and against the existing situation of the three-storey building still being in office use. Officers considered that, should the application be approved, both permissions could in theory be implemented; however, condition one of the prior approval permission would be breached. This condition related to the layout and provision of car parking across the site, as some of the parking provision would be lost through the proposed conversion of the car park to commercial space under this application. To regularise this, the prior approval permission would need to be the subject of a variation of condition application. As stated in the officer report, if the development were proposed to be implemented under the existing circumstances of the three-storey building being retained in office use, this would result in a total over-supply of five car parking spaces across the whole site. The adopted parking standards dictated that the existing office use should provide 83 car parking spaces. If the building were to be converted to residential use, total demand for car parking spaces would be 70. This meant that the demand for parking, if the prior approval permission were implemented, would be less. Officers were therefore of the opinion that if both schemes were implemented, an attempt to regularise condition one would be likely to be subject to objection by the local planning authority.

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

Points raised by the speaker against the application included: the proposal involved a change of use and should be refused; the proposal would result in a building which would be highly dominant and overwhelm the street scene; consideration was needed to the context of the surroundings of the Batchworth Lock corridor; the proposal conflicted with the Batchworth Neighbourhood Plan; there was a diminishing demand for commercial space and a general over-supply in the area so that the proposal would not contribute to the economic development of the locality; and there were concerns about contamination following many years of use by motor vehicles.

In response to the points raised by the speaker against the proposal, the Planning Officer confirmed that most of the issues raised had been addressed in the report. Whilst it was acknowledged that the appearance of the building would be altered from its current form, details of materials were conditioned to be supplied and it was not considered that there would be any resulting harm. The historic use of the car park, and the historic wider use of the site, meant that contamination was possible; for this reason, measures to address contamination prior to works commencing and requirements for ongoing monitoring would be conditioned.

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

- In response to a question, the Planning Officer explained the reasons for the condition which restricted use to Classes E (c), (d), (e) and (g), as set out in paragraph 7.1.8 of the report. Some sub-categories of Use Class E had been excluded on the grounds of not being compatible with, or appropriate for, the site location. Any remaining sub-categories which were not considered to be incompatible were permitted within the condition. In debate, a Committee Member recommended that the sub-categories of Class E which were permitted should be as broad as possible, and that Class E(f) should be added so that the building could also be used as a crèche, day nursery or day centre.
- The Planning Officer confirmed that the proposal included provision for a bin store, and that no changes were proposed with regard to the existing parking arrangements other than the removal of 22 parking spaces on the upper floor level of the car park.

The applicant spoke in favour of the application.

Points raised by the speaker in favour of the application included: the initial plan for the development was to try to get the building fully occupied by commercial tenants, as there were existing clients with tenancies which ran for the next five years. Thereafter, there may be potential to create a larger business centre; the proposal would provide high grade small office space for smaller and medium-size businesses; the development would provide cycle storage and would also improve the current arrangement with regard to bin storage.

Councillor Morris moved, and Councillor Gazzard seconded, that planning permission be granted subject to conditions and amendment to Condition 4 to include reference to Use Class E(f). On being put to the vote this was carried, the voting being unanimous.

RESOLVED:

That planning permission be granted subject to conditions and amendment to Condition 4 to include reference to Use Class E(f).

PC144/25 26/0219/FUL - ERECTION OF ENTRANCE RAMP WITH HANDRAILS, ALTERATION TO FENESTRATION, VENTILATION GRILLS, BIN STORE AND ASSOCIATED LANDSCAPING WORKS AT THREE RIVERS HOUSE, NORTHWAY, RICKMANSWORTH, HERTFORDSHIRE WD3 1RL

The application was for erection of entrance ramp with handrails, alteration to fenestration, ventilation grills, bin store and associated landscaping works at Three Rivers House, Northway, Rickmansworth.

The Planning Officer reported that works had commenced in relation to some aspects of the proposed development.

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

RESOLVED:

That planning permission be granted subject to conditions.

PC145/25 26/0373/ADV – ADVERTISEMENT CONSENT: INSTALLATION OF INTERNALLY ILLUMINATED FASCIA SIGN, AND SIGNS MOUNTED ON FRONT/SIDE OF DECKING ENCLOSURE AT 15 MONEY HILL PARADE, UXBRIDGE ROAD,, RICKMANSWORTH WD3 7BE

The application was for advertisement consent for installation of internally illuminated fascia sign, and signs mounted on front/side of decking enclosure at 15 Money Hill Parade, Uxbridge Road, Rickmansworth.

The Planning Officer reported that an amendment was required to Condition 3, which related to the hours which the illuminated sign was permitted to be turned on. The hours stated in the report were incorrect but would be updated to reflect the opening hours granted on the previous application in 2024, which were 08:00 to 23:30 Monday to Saturday and 10:00 to 22:00 on Sundays and Bank Holidays.

Councillor Whately-Smith moved, and Councillor Morris seconded, that advertisement consent be granted subject to conditions and amendment to Condition 3 to alter the permitted opening hours. On being put to the vote this was carried unanimously.

RESOLVED:

That advertisement consent be granted subject to conditions and amendment to Condition 3 to alter the permitted opening hours.

CHAIR

PLANNING COMMITTEE – Thursday 18 June 2026

23/0483/FUL: Change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; and widening of existing access track, internal alterations and alterations to fenestration at CROXLEY HOUSE, CROXLEY GREEN, RICKMANSWORTH, HERTS, WD3 3JB.

23/0484/LBC: Listed Building Consent: Change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; widening of existing access track, internal alterations and alterations to fenestration at CROXLEY HOUSE, CROXLEY GREEN, RICKMANSWORTH, HERTS, WD3 3JB.

Parish: Croxley Green
Expiry of Statutory Period: 21st June 2023
Extension agreed to 24th June 2026

Ward: Dickinsons
Case Officer: Claire Wilson

Development Type: Major Application

Recommendations:

23/0483/FUL: That Planning Permission is granted subject to conditions.

23/0484/LBC: That Listed Building Consent is granted subject to conditions as set out below.

Reason for consideration by the Committee: Planning application 23/0483/FUL had been called in by three members of the Planning Committee because of the access across the Green to the site. In addition, this planning application had been called in by Croxley Green Parish Council for the reasons set out at 4.1.2 below.

Whilst Listed Building Consent application 23/0484/LBC had not been called into Planning Committee, it is considered appropriate for the applications to be considered together.

To view all documents forming part of these applications please click on the relevant link below:

23/0483/FUL: <https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RRWVSUQFMUW00>

23/0484/LBC: <https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RRWVSUQFMUY00>

Officer Update: The applications were brought to Planning Committee in November 2023. In accordance with the officer recommendation, members resolved to grant both planning permission and Listed Building Consent which would have allowed the conversion and extension of the building for use as a children's nursery.

The resolution to grant for the planning application was however subject to the completion of a S106 Agreement as required by Hertfordshire Highways. At the time of the application, HCC advised that a full travel plan would be required and should be secured via a S106 agreement which would also include a £1,200 per annum Evaluation and Support Fee index linked to RPI March 2015 in accordance with Hertfordshire County Council's Travel Plan Guidance. The Travel Plan was required in order to incorporate measures to promote sustainable transport. In addition, the S106 agreement would have secured the above monitoring fees. The requirements for the Travel Plan are set out in full at HCC's consultee comments as per paragraph 4.1.7.1 of the officer report.

Since November 2023, the LPA has allowed the applicant a significant and reasonable length of time to progress and complete the S106 Agreement. However, to date, this has not been completed, and it is understood that this is due to issues with the existing landowner. Given the length of time that has passed, it is highly unlikely that a S106 agreement will be progressed or completed. As such, officers have had further discussions with HCC who have re-considered the application and their requirement for a Travel Plan to be secured via a S106 Agreement. Whilst a S106 agreement would have been the preferred mechanism to secure the Travel Plan and monitoring fee, they have confirmed that they would not be able to defend a reason for refusal regarding the failure to complete a S106 agreement. They have therefore confirmed that they would be content for the Travel Plan to be secured via a condition only. As such, this application is returned to committee for members to agree to the removal of the requirement for a S106 agreement, and for the travel plan to be secured via a condition only.

It is advised that the grant of planning permission does not override the requirements to obtain other necessary consents.

1 Relevant Planning History

There is an extensive planning history with the most recent as follows:

- 1.1 14/2141/FUL: Internal alterations to Croxley House resulting in a loss of 9 bedrooms, construction of new purpose built single storey care block within the adjacent walled garden to include 40 additional bedrooms and creation of additional parking. Application permitted.
- 1.2 14/2142/LBC: Listed Building Consent: Internal alterations to Croxley House resulting in a loss of 9 bedrooms, construction of new purpose built single storey care block within the adjacent walled garden to include 40 additional bedrooms and creation of additional parking. Application permitted.
- 1.3 16/0963/LBC: Listed Building Consent: Internal alterations to Croxley House resulting in a loss of 9 bedrooms, construction of new purpose built single storey care block within the adjacent walled garden to include 40 additional bedrooms and creation of additional parking. Application permitted.
- 1.4 16/0964/FUL: Variation of Condition 2 (Approved Plans) of planning permission 14/2141/FUL to allow alterations to the footprint and layout of the approved care home. Application permitted.
- 1.5 18/1738/LBC: Listed Building Consent: Reconstruction and repairs to boundary wall. Application permitted.
- 1.6 20/1868/FUL: Variation of Condition 2 (Approved Plans) and removal of Condition 6 (Panelling) pursuant to planning permission 16/0964/FUL to allow alterations to the approved layout to retain existing panelling. Application permitted.

- 1.7 20/1961/LBC: Listed Building Consent: Variation of Condition 2 (Approved Plans) and Condition 5 (Panelling) of Listed Building Consent 16/0963/LBC to allow alterations to the internal layout including alterations to the existing Panelling.
- 1.8 20/2366/LBC: Listed Building Consent: Construction of an outbuilding. Application permitted.
- 1.9 20/2371/FUL: Construction of an outbuilding. Application permitted.
- 1.10 21/2851/NMA: Non-material amendment to planning permission 20/1868/FUL: Alterations to wording of Condition 13 (parking and turning spaces) to allow for changes to the surface material and layout. Application permitted.
- 1.11 22/0746/ADV: Advertisement Consent: Installation of two freestanding directional signs at the junction of Croxley House, Sarratt Road and The Green. Application withdrawn.
- 1.12 25/1346/FUL: Conversion of existing building into 6no. (Use Class C3) residential units with associated bike store, parking and landscaping works. Application permitted April 2026. Permission not implemented.
- 1.13 25/1347/LBC: Listed Building Consent: Conversion of existing building into 6no. (Use Class C3) residential units with associated bike store, parking and landscaping works. Application permitted April 2026. Permission not implemented.

2 Description of Application Site

- 2.1 Croxley House is a Grade II Listed Building located within the Croxley Green Conservation Area and the Metropolitan Green Belt. The building was previously in use as a residential care home accommodating 33 rooms, however, it is noted that the building has remained vacant since January 2021.
- 2.2 Croxley House is red brick, two storey building with a single storey projection to the east, set within a landscaped setting. It is noted that the building has been historically extended. The listing for the property describes it as:

Large house, now old people's home. c.1770, extended late C19 and C20. Red brick, once stuccoed. Shallow hipped slate roof. 9 bays, 1:2:3:2:1. 2 storeys. Garden front: central 3 bays project slightly with a full height bow window. 3 ground floor French windows. First floor glazing bar sashes with stone sills, all with gauged brick flat arched heads. Flanking bays have glazing bar sashes, 16 pane on first floor. Outer bays have blocked basement, plinth, glazing bar sashes and an oriel on the ground floor to right. Original end bays project slightly. Boxed eaves. Central axial and flanking cross axial stacks. Link to 3 bay C19 addition to right, porch to entrance with pilastered surround, corniced hood, sashes, roof hipped to right. 2 extruded stacks on right return. To left 4 bays, 2 phases of C20 additions. Entrance front: late C19 ground floor projection to central 3 bays. Entrance to left with keyed segmental head. Double sash to right with twisted colonnette mullion. Dentilled brick course below cornice. Outer bays set back, large stair window to left with Gothic glazing. Some 16 pane sashes to right. End bays project slightly. End stacks on main block. C19 block to left has a semi-circular bow, French windows, casements, dentilled brick eaves. Interior: moulded plaster ceiling, late C19 carved chimneypiece with caryatids. (VCH 1908: Pevsner 1977).

- 2.3 To the north of the building is an area of hardstanding used for parking, with large areas of soft landscaping beyond. Within the garden area to the north of the site, is the Well House which is Grade II Listed in its own right. The southern and eastern boundaries of Croxley House are formed by mixed vegetation and an existing brick wall which is acknowledged to be in a poor state of repair. The main entrance to Croxley House is located within the northern elevation of the existing building, facing away from The Green and towards the

existing garden. To the south of the building adjacent to The Green is an existing area of soft landscaping.

- 2.4 In 2014, planning permission was granted for the construction of a new care block within the walled garden which provides 40 bedrooms, with ensuite wet rooms, communal spaces and administrative and staff facilities. This permission was amended in 2016, with the new building known as Clarendon Lodge opening in January 2021. It is noted that the planning permissions for the site also included internal alterations to the Listed Building to allow it to continue operating as a care home. However, it is understood that the works were not undertaken due to viability concerns. In addition, an Inspection was made by the Care Quality Commission in December 2020, with the full inspection report being published in May 2021 which found that Croxley House was inadequate.
- 2.3 Croxley House is served by an existing vehicular access road, accessed from The Green. This access road is shared with the existing care home known as Clarendon Lodge, which is located to the west of the site and has its own separate parking area.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission and listed building consent for the change of use of the existing building from a care home (Class C2) to a nursery (Class E (f)) including partial demolition of the existing extension and construction of two storey extension, provision of spiral stairs, ramp access, green roof, rooflights and vents, repair to boundary wall with associated parking and landscaping works, widening of existing access track, internal alterations, and alterations to fenestration.
- 3.2 It is proposed to change the use of the existing building from a residential care home to a children's nursery. The nursery would provide 122 places catering for children from the ages of 3 months to pre-school age (under 5). It is proposed that the nursery would operate Monday to Friday from 7am to 7pm all year round, with the exception of public and bank holidays. The submitted planning statement specifies that the new nursery would provide 43 full time equivalent jobs.
- 3.3 In order to facilitate the proposed use, internal alterations would be made to the existing building. This would include the removal of internal partitions to provide the new nursery spaces including a baby room, pre-toddler room, toddler room and preschool room as well as additional areas including a sensory room, kitchen, staff room and meeting rooms.
- 3.4 The building has been historically extended, and part of the proposal would involve the demolition of the existing two storey extension (the applicant has advised that this dates from the late 20th Century) located to the west of the building adjacent to the access road. The proposed extension would consist of two parts. The first is a two storey 'link' which would have a width of 3m and a depth of approximately 8m. The front and rear building line of the link would be set back from the main front and rear elevation of the building by approximately 1.2m. The link would have a flat roof form 6.3m (when measured from the highest level adjacent to the extension on the southern elevation) which would set down from the eaves of the existing host building. In terms of design, the 'link' would consist of two casements of full height glazing with the flanking bays consisting of solid timber panels.
- 3.5 The second part of the extension would comprise a two storey extension linked to the main house via the 'link' extension described above, which would have a width of approximately 6.3m and a maximum depth of approximately 15.3m. The southern elevation of the extension would be in line with the main southern building line of the existing host building. The extension would have a flat roof form with a height of approximately 6.7m (when measured from the highest level adjacent to the extension). The extension would have a brick external finish with glazing to all elevations.

- 3.6 To the east of the building, there is an existing stepped roof form at two storey level described on elevation as a 'late Victorian addition'. As part of the development, the stepped roof form would be removed, resulting in the formation of one single consolidated flat roof form which would remain subordinate to the main roof form of Croxley House. The applicant is also proposing to remove the existing flat roofed porch canopy to the southern elevation.
- 3.7 To the north of the building an existing external stair case would be removed, and a new spiral stair case would be installed in the same location. Other external alterations to the main building include the removal of two concrete access hatches to the basement, removal of external lights, and the rationalisation of services and drainage runs. New steps would be installed to the south and northern elevations of the building.
- 3.8 To the south of the building, fronting The Green is an existing amenity area which mainly consists of grassland with pathways and railings evident. The applicant is proposing to subdivide this area to create three garden areas serving the separate nursery rooms, with the boundaries between the garden areas consisting of chestnut pale fencing. The applicant has advised in writing that the likely height of the fencing would be approximately 0.9m. The garden areas would remain as grassland. The woodland planting along the southern boundary would be enhanced with additional woodland planting.
- 3.9 To the north of the site, three new car parking areas are proposed. The main car park would be to the eastern side of the building and would have a depth of approximately 23m, and a width of approximately 16.2m. This car park would provide approximately 14 spaces. The two further car parking areas would provide 6 tandem spaces adjacent to the access, with a further five spaces centrally.
- 3.10 At present, Croxley House is accessed via a single access track from The Green. This is not of consistent width at present with the minimum width being approximately 3.3m closest to the entrance to the site, and approximately 4.1m closest to The Green/Sarratt Road. The applicant has confirmed that the majority of the track is approximately 3.5m as existing as evidenced on drawing SK07 which provides a comparison between the existing and proposed. The applicant is proposing to widen the access track to a consistent width of 4.5m. It would be re-surfaced; however, it would not contain any road markings. A new pedestrian access is proposed within the south eastern corner of the site and a new gate would be installed which would provide access to an internal footpath which would be located to the east of the building. Full details of the proposed gate have not been provided at this stage.
- 3.11 The proposals also include the restoration of parts of the historic boundary wall within the applicant's control, to prevent further damage and to restore the areas where damage has already occurred. The Design and Access Statement specifies that two sections of wall are recommended for restoration and referred to as a) leaning wall at the site entrance and b) collapsed wall on the eastern boundary. The leaning wall at the site entrance is currently fenced off in the interests of safety. The details submitted specify that the proposed restoration will straighten the leaning pier and wall at the site entrance. With regard to section b), sections of the wall where in a poor state of repair are to be rebuilt using reclaimed materials. The Design and Access Statement specifies that all salvageable bricks will be reclaimed and used in repairs, and any new bricks required will be sourced to match the existing as closely as possible. The new works will be done in lime mortar to match the existing and lime washed as the existing to ensure a consistent finish to the wall. The coping where missing will be reinstated to match the existing.
- 3.12 Amended plans have been received during the course of the application. The amendments are as follows:
- Recessing the proposed 'link' extension from the southern and northern elevations of the building.
 - Removal of the roof capping from the proposed two storey extension.

- The width of the proposed windows in the proposed extension have been revised to match the width of the window openings in the original house.
- The door within the southern elevation has been re-sited centrally to mirror the central door proposed to the eastern 'interwar addition';
- The fenestration to the western link has been revised to reduce the extent of glazing to this element. For both the northern and southern elevations, the link is divided into four equal bays within the flanking bays consisting of solid timber panels;
- The existing windows will be repaired and secondary glazing installed rather than replacement windows being sought.
- The stepped roof form within the eastern 'Victorian addition' has been revised to be a level flat roof form;
- The modern fenestration detail sought at ground floor level within the existing eastern extensions has been revised to be more traditional in appearance;

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [No objection to 23/0484/LBC].

4.1.2 Croxley Green Parish Council: [Objection to 23/0483/FUL]

Croxley Green Parish Council object to the application.

Although fully supportive of the change of use, great concerns are held over the access the site including the widening of the access track which results in the loss of village green space and the safety of road users at junctions. We believe that TRDC should commission an independent assessment of the Transport Statement, the Framework Travel Plan, and the Car Parking Management Plan.

Concerns are also held over The Green being used for construction related parking. The Construction Management Plan must include full provision for protecting The Green, both from overrun off the access road, and from overspill parking or material storage.

If the officer minded to approve the application, CGPC request that is called into the TRDC Planning Committee.

Officer comment: During the course of the application, amended documents have been received and therefore the Parish Council have provided additional comments as follows:

4.1.2.1 Croxley Green Parish Council object to the application. Although fully supportive of the change of use, we have the following concerns:

Inaccurate/insufficient study of vehicle movements on/off the site and would recommend using a Traffic Micro Simulation to assess how the junction would operate with vehicle movements on/off the site.

There is no contingency parking if the number of vehicles arriving at the same time exceed the stated 8 drop off spaces. A Cllr recently conducted an hour assessment of the number of drop offs at Croxley Park that has space for 72 children and witnessed 9 vehicles dropping off at the same time. Croxley House would have space for 122 children which suggests that more drop off parking spaces would be required.

Officer comment: In respect of the above, Herts Highways have been consulted and have fully assessed the application with regard to the impact on the highway. The off street car parking provision will be assessed within the analysis section of this report.

In addition, the applicant has provided the above comment:

In response to the Parish Council's recommendation for a Traffic Micro-Simulation, the application follows pre-application engagement with the Highway Authority to agree the scope of assessment which has been provided as part of the application to the satisfaction of the Highways Authority. There is no need to undertake Traffic Micro-Simulation given how low the traffic flows are, and it would be unreasonable to require it. The Highways Authority as the statutory consultee has not required this and has agreed with the applicants assessment that the volume of traffic generated by the proposals is so low as to have no material impact upon the highway.

Notwithstanding that we do not agree with the assumptions made by the Parish Council that there may be insufficient car parking, there is circa 35m of two-way road space between the entrance to the site (i.e. beyond the access Road to the Green) and the start of the drop-off/pick-up spaces, meaning that in the exceptional event of there being short periods of time when those spaces are taken, there is space for up to six additional cars to queue within the site, without any impact upon the Green, driveway across the Green or areas of landscaping/trees. Notwithstanding this, the application demonstrates that there is adequate parking provision to accommodate the drop-off/pick-up requirements of the development.

4.1.3 Three Rivers District Council Property Services: [Objection]

The Property Services Department, acting on behalf of Three Rivers District Council in its capacity landowner of the Croxley Green Common Objects to the Planning applications 23/0483/FUL & 23/0484/LBC.

Croxley Green Common is registered Common Land and belongs to Three Rivers District Council. With the exception of the current, narrow access track measuring 3.9 metres at its widest point, which is specifically excluded from the Common Land register, and is the proposed main access to the application site. Whilst the applicant has made contact with the Council via the Property Services Team, there is no agreement for an easement for access to the application site via the access track as shown on the application plan.

The Council's objections as landowner are raised on the following grounds:

- The access track, forming part of the application area is incompatible with the proposed increase in usage of the proposed development;
- The Applicant does not have an easement for access to the proposed development site;
- The Transport Assessment states that there will be an increase to average vehicle movements along the track, creating an average of 48 additional vehicle movements per hour. It is anticipated that during morning, lunch and early evening peak times there is likely to be a much greater frequency of traffic movements over the access track;
- The track is already heavily used by the operators and occupiers of Clarendon Lodge care home. The track is not constructed to withstand the levels of traffic it currently experiences, the proposed development would cause substantial detriment to the condition of the track;
- The design of the access track has evolved, from a simple cart track to a metalled surfaced track. The current condition of the access track is poor because it accommodates traffic it was never designed to;
- TRDC are solely responsible for the repair and maintenance of the track – additional traffic will place further burden upon the taxpayer;
- The design of the existing junction between the track and Baldwins Lane does not include suitable splay lines, this would result in overrunning of the Common Land;

- We are concerned that the levels of traffic accessing the site over the track will lead to increased risks of collisions and traffic congestion as it enters and leaves Baldwins Lane and already well-used junction, close to the crossroads junction with The Green;
- The proposal to widen the track to permit two-way traffic significantly alters the character of the track and adjacent Common Land;
- The suggested widening of the track from 3.9m to 4.8m would impinge upon the Common land and this is not permitted without the removal of the 'additional' land from the Common Land register, which only the Secretary of State can provide consent for;
- Existing pedestrian access is provided by the track and the application states there is no new pedestrian access however this is incorrect. Reference to a separate pedestrian access is referred to within the Design & Access statement. The applicant does not have an easement for this additional access.

The application raises significant concerns, which include the considerable increase in the volume of vehicle movements across the Common, which in our opinion risks negatively impacting upon the character of the Common and the surrounding Conservation Area. We therefore wish to register an objection on behalf of the Council as landowner.

Officer comment: The applicant submitted a written document providing a response to the above consultee comments. The applicant's comments are summarised below:

- The widening of the access is considered non-material in the context of the Green as a whole and will provide a benefit to its longer term management and maintenance;
- The easement to the access is a legal matter, and is not a material planning consideration;
- The vehicle movements within the Transport Statement have been misinterpreted. The Transport Statement identifies the peak hourly increase to be 35 vehicle movements (AM peak hour) and peak increase in flows at lunch time to be 13 vehicles with evening peak increase being 35 vehicles. This equates to approximately one vehicle every two minutes which is a low frequency of traffic in terms of road usage/capacity is not high flow. Flows throughout the rest of the day would be much lower due to the proposed nature of the use;
- The minor widening of the access road would allow two way traffic which is suitable to accommodate the above.
- The proposals include resurfacing of the track to ensure that it is in a suitable condition. Appropriate surveys and the construction specification of the track can be secured via a condition; so that works can be undertaken to ensure that an appropriate access is secured;
- With regard to the issue of the TRDC being solely responsible for the repair and maintenance of the track: This can be discussed and secured outside of planning to ensure that there is an appropriate management arrangement in place. It is the intention for the applicant to resurface the track when it is widened. A future repair and maintenance agreement can be secured via a legal agreement. Notwithstanding this, on completion of the works, no further works are expected to be required for 20-30 years.
- With regard to the issue of the design of the existing junction not having suitable splay lines: There are suitable radie on each side of the access, with the access being circa 13m wide where it meets the public highway;
- With regard to the issue of increased risk of collisions and traffic congestion: As set on in HCC comments, ample visibility is available in all directions from the junction. There have only been two collisions of slight severity within the last five years near to the site but not fronting the access. The Highways Authority considers that the proposed development will not increase the risk of collision.
- With regard to the issue of road widening altering character: The widening would ensure a consistent width of the access road and would prevent vehicles from running onto the grass verge. There would be an improvement in the overall character.

- With regard to the issue of common land: The correct procedure is being followed. Planning permission is being applied for first and notice served accordingly. A separate application would be required to be made to the Secretary of State via the Planning Inspectorate. This matter is not a matter for consideration under this application.
- With regard to pedestrian access. All works are within the site boundary. The pedestrian access is to encourage walking, cycling and to reduce reliance on the car.

Officer comment: Following the receipt of this document, TRDC Property Services were reconsulted and their comments are summarised below:

- The Council objects to the principle of the removal of Common Land status from the adjoining land. Overrunning or damaging Common Land without the owner's authority is an unlawful act and can be punishable by prosecution.
- The fact that the Council as landowner objects to the widening of the track to facilitate the planning application is a material consideration.
- The Council objects to the increase in traffic levels intending to use the widened track.
- The track would need to be widened and substantially re-constructed (including substructure and base courses) in order to accommodate the increased frequency of the weight of the traffic proposed. Such substantial works and the resultant widening will substantially alter the character of the Common Land.
- Whilst it may be the opinion of the applicant that the works are minor, in the opinion of the Council, the proposed works would be substantial. Failure to adequately construct the track to a suitable standard would rapidly increase the deterioration and cause major inconvenience to existing users of the track. The Council has already spent £11,000 in the last three months repairing damage to the track.
- Notwithstanding the comments from the Highway Authority, the proximity of the access track to the acutely angled crossroad junction between The Green, Sarratt Road and Loudwater Lane remains a cause for concern. Whilst recognising that the visibility is good, the additional traffic movements and interaction with the surrounding highway network and track remain a safety concern.
- The applicant is correct that a separate application would need to be made to the Secretary of State via the Planning Inspectorate with regard to the Common Land status. However, the Council as landowner would have to apply to the Secretary of State and as indicated in earlier responses, the Council objects to the widening of the track and the removal of land from the Common Land designation.
- Whilst there are a series of defined pedestrian routes across The Green which radiate from the north eastern corner of the site, as far as the Council is concerned, there are no pedestrian rights of access to the application site as indicated. There is no desire to create or allow further access points between The Green and the application site.

Officer Comment: Rights of access (both vehicular and pedestrian) are not a material planning consideration. Planning permission can still be granted, with the rights of access remaining a civil/legal matter between the landowner and the applicant.

The application to remove land from the Common Register is a separate process which is not a consideration under this planning application

4.1.4 Three Rivers District Council – Planning Policy: [No objection]

The application seeks permission for the change of use of an existing Care Home (Use Class C2) into a Day Nursery (Use Class E(f)).

Policy CP1 'Overarching Policy on Sustainable Development' of the Core Strategy (2014) states that new development, in contributing to the sustainability of the District, needs to take account of protecting and enhancing existing community facilities and providing new facilities. The proposed Change of Use from a Care Home to a Day Nursery would provide a new community facility therefore, the proposal is compliant with Policy CP1. Policy

DM12(c) states that where proposals are submitted for new or improved community facilities they should be accessible by sustainable modes of transport. The site is located within proximity to local bus services and local facilities along Baldwins Lane. Whilst Croxley Green Station is relatively accessible, this is still approximately a 15-20 minute walk away.

The application form states the existing site currently consists of a 33-bed care home; applying the Council's conversion ratio of 1.9 C2 bedrooms to 1 market dwelling means that the care home provides the equivalent of 13 dwellings on the site. Therefore, the application would result in a net loss of 17 C3 dwellings and would exacerbate the District's current local housing need figure of 633 dwellings per year. There would be an in-principle objection to a net loss in housing, given that Policy SA1 (Housing Site Allocations) states that permission will not be granted for development resulting in a net loss of housing.

Policy CP6 states that development will be supported where it provides employment opportunities and promotes skills and learning. The proposed Day Nursery would cater to 122 children's places, operating from Monday to Friday (0700 to 1900) which would contribute towards employment opportunities and the promoting of skills and learning. Subsequently the pre-application complies with Policy CP6. Policy CP6(g) also states proposed development should align economic growth with housing growth in the area in order to balance the provision of homes and jobs and reduce out-commuting. The proposed Day Nursery may positively contribute towards sustainable economic development as two residential development sites within proximity to Croxley House have been approved at appeal (20/1881/FUL and 20/0467/FUL). Therefore, the Day Nursery may serve nearby residential development.

Policy DM3(b) 'The Historic Built Environment' states Listed Buildings in the District should be preserved, including through Change of Use, which would preserve the character and historical interest of the building as well as ensure its continued use and viability. Croxley House is a Grade II Listed Building, and the proposed Change of Use would ensure the continued use of a Listed Building, as the site is currently vacant. However, the policy also states that demolition of a Listed Building will only be granted in wholly exceptional circumstances. In order to keep heritage assets such as Listed Buildings in use and thereby secure their contribution to the character and distinctiveness of the area, allowing alternative uses or sympathetic development or alteration may be acceptable, providing that the new extension would not adversely affect the character of the building, both internally and externally as well as in its wider setting.

The Local Housing Needs Assessment (LNHA) considers the need for older persons accommodation within a C2 Use Class and estimates a notable need for 683 care beds over the period 2020-2036. The application would exacerbate existing needs for older persons' accommodation; however the care home is a vacant site and the submitted documents state that the existing care home has been found to be of inadequate quality in a Care Quality report.

Therefore, the proposal to redevelop the existing site into a Day Nursery would not result in an objection, as the provision of a new community facility which would contribute towards employment opportunities and the continued use of a Listed Building, outweigh the loss of vacant care home on the site.

4.1.5 Three Rivers District Council Conservation Officer: [Objection]

This application is for the change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; widening of existing access track, internal alterations and alterations to fenestration.

Croxley House is a Grade II listed building (list entry: 1348223). The property is located in the Croxley Green Conservation Area. The Grade II Well House is located within the immediate setting of Croxley House (list entry: 1296183).

Internal alterations: It is positive that the modern internal partitions would be removed as a result of the proposed. The proposal results in the loss of some late nineteenth and early twentieth century fabric, however, the loss of fabric is minimal; this aspect of the scheme would not raise in principle objections when considering the benefits of the proposed improvements to the internal layout of the listed building.

Notwithstanding this, the derivation of the ground floor wall where a platform lift would be inserted has not been determined; further information should be provided on this aspect prior to agreeing the principle of its demolition. The removal of modern partitions at first floor would be undermined by the creation of a lobby within the proposed staffroom. In addition, there are in principle concerns regarding the loss of historic fabric within the nineteenth century extension. This would undermine from the legible phasing of the building, detracting from the archaeological and architectural significance of the listed building.

Further information would be required relating to the proposed fan coils prior to agreeing the principle; services routes and outlet vents have the potential to affect the architectural and aesthetic interest of the property.

External alterations: The removal of clutter from the elevation would be positive. The proposed replacement staircase would be acceptable. However, there are in principle concerns regarding the proposed fenestration within the nineteenth/ early twentieth century link extension. The proposed fenestration would be overly modern and architecturally incongruous to the derivation of the extension and character of the property. This aspect of the scheme would also potentially result in the loss of the extensions original fenestration composition which would detract from the architectural and archaeological interest of the property. There is a lack of justification for this given this serves a WC.

The loss of historic fabric and erosion of the late nineteenth century and early twentieth century composition would detract from the legible phasing of the listed building, thus harming its archaeological and architectural significance. The proposed pre-cast concrete canopy would also appear at odds with the architectural context of the listed building, I recommend that this aspect of the scheme is omitted.

Proposed Extension: The existing extension derives from the late twentieth century; it is set over two storeys constructed of red brick with a hipped roof form. There would be no objection to the sympathetic replacement of the extension.

It has been previously noted that there would be no in principle objection to the replacement of the existing extension and there may be scope for a well-designed contemporary extension. However, the form, increased height and depth, roof detailing and fenestration of the proposed extension would result in a more bulky and prominent addition to the listed building. The visual impact of the extension is exacerbated by the two-storey link extension. Overall, the extension would architecturally compete with the host building and appear as an overly dominant addition.

There is a preference for the depth of the extension to be reduced by one bay which would work to reduce the mass. There are also concerns regarding the roof capping detailing of the extension, this appears to add unnecessary bulk and height to the extension. I recommend that the height of the extension is reduced so it sits below the eaves of the host building with a simple parapet; this would result in a more subservient scale and appearance.

Pre-application advice noted there may be scope for a small, well-detailed single storey link. I recommend that the link is reduced in height, is recessed from the front and rear elevation and the timber frame omitted. This would result in a more discrete and lightweight extension.

The fenestration within the proposed extension would appear disproportionate to the windows and the wall to glazing ratio would also appear at odds with the host; I recommend that the fenestration references the size of the existing windows and reflects the window hierarchy between ground and first floor.

Windows: It is proposed to replace some historic windows, including some late-nineteenth and early-twentieth century windows. Windows make an important contribution to significance of a listed building. Whilst some windows may not be original, they may still be historic and contemporary to various construction phases of the listed building. They are therefore of architectural and archaeological interest and contribute positively to the significance of the listed building.

As per best practice guidance set out by Historic England, there is always a preference to repair windows that contribute to the character of the listed building over replacement. Replacement is only considered acceptable if it can be demonstrated that they are beyond economical repair. The condition survey demonstrates that some windows have areas of defects, however, they appear to be in a repairable condition.

There are concerns regarding the appearance of double glazing situated within the same elevation of single glaze; double and single glazing have different reflective properties which can detract from the appearance of the listed building. Additionally, double glazed windows would likely require thicker glazing bars to accommodate the additional glazing; this can detract from the character and architectural interest of the listed building. Furthermore, with regard to the leaded lights, there are concerns regarding the compatibility of double-glazed windows, as this would require stuck on lead comes which would result in an untraditional detail and finish. This loss of historic fabric and detailing would alter the appearance of the listed building and detract from its significance.

There may be scope to thermally upgrade the existing windows through draft proofing, inserting double glazing within existing frames (granted the existing glazing is not of historic interest and the frames are thick enough) or installing secondary glazing internally.

Please refer to page 62 and 63 of Historic England's Traditional Windows guidance which can be accessed here: <https://historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/heag039-traditional-windows-revfeb17/>

Landscaping: It is proposed to increase the hardstanding to accommodate additional parking. This would result in the loss of verdant landscaping within the immediate setting of the listed building and there is still a preference for the hardstanding to be reduced. I acknowledge that layout has also be dictated by the existing mature trees which do make an important contribution to the Conservation Area and setting of the listed building. The carparking may be considered acceptable depending on the treatment; I recommend that the landscaping is softened with less formalised bays.

I acknowledge that there is an opportunity to improve the surface of the access track which is currently in a poor state of repair. However, the proposed widening of the access track raises concerns. Whilst this would only be a minor extension to the existing hardstanding, there is a lack of guarantee that this would resolve issues with cars driving onto the Green given the access road would still be a single track.

Conclusion: There are enhancements arising from this scheme, however, such enhancement would not completely outweigh the harm identified arising from other aspects

of proposal. Such heritage benefits should not be considered a substitute for a sympathetically designed extension.

The proposal would be contrary to Section 16(2) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regard to the NPPF, the level of harm to the listed building and conservation area is considered to be 'less than substantial' as per paragraph 202. Paragraphs 200 and 206 would also be relevant.

Officer comment: In response to the Conservation Officer's original comments, the applicant submitted amended plans and an additional addendum to their Heritage Statement. The Conservation Officer has assessed the submitted details and the following comments received:

4.1.5.1 Conservation Officer – Second Comment:

This application is for the change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; widening of existing access track, internal alterations and alterations to fenestration.

Croxley House is a Grade II listed building (list entry: 1348223). The property is located in the Croxley Green Conservation Area. The Grade II Well House is located within the immediate setting of Croxley House (list entry: 1296183). The property is located within the Croxley Green Conservation Area. Due to the openness of the Green, there are long views of Croxley House from within the conservation area, the area appraisal notes that Croxley House 'has a powerful presence at the northern end of section C and the whole area'.

This is the second consultation within this application.

The existing twentieth century extension to the west elevation, by virtue of its scale, form and appearance, makes a neutral contribution to the significance of the listed building. It is of a modest scale and appearance, utilising materials that relate to the host. This ensures that it does not visually detract from or compete with the host building.

Extension

As noted within previous advice there would be no principle objection to the removal of the existing extension and its replacement with a sensitively designed extension that preserves the significance of the listed building. However, the proposed extension due to its scale, massing, form and appearance would result in a visually prominent and dominant addition that would architecturally compete with the listed building, impacting the ability to appreciate its architectural interest.

The scale, form and massing of the proposed extension would result in a more bulky and dominant extension when compared to the existing extension. The CGIs within the Heritage Note illustrate how the increased massing and depth would result in a visually prominent and competing addition. Furthermore, the height of the extension would sit above the eaves of the host building, this would result in an awkward relationship between the host and the extension.

I acknowledge that the existing extension projects beyond the principal elevation building line, however, those elements that do are single storey which does minimise their visual impact. The proposed extension would sit flush with the principal elevation building line and whilst this does better respect the principal elevation building line, the footprint removed from the front would be added onto the rear (north) at ground and it is also proposed to increase the footprint at first floor. The increase in depth and massing results in an overly dominant addition.

The host building is predominantly brick with sash windows (typically six over six with the ground floor windows larger than the first-floor windows). Comparatively the windows within the proposed extension would be larger than that within the host building and would be all the same size. Additionally, the wall to glazing ratio within the extension would relate poorly to the host building, with large areas of glazed openings with concrete lintels and cills and very little brick detailing. The proposed extension would fail to respond to the proportions of the host building, resulting in a disjointed appearance between the extension and host. It is important that the extension remains subordinate to the listed building, not just in height but also in appearance and massing.

Whilst there may be scope for a contemporary approach to an extension, it is important that any extension harmonises with and is complimentary of the host building. It was recommended within previous advice that the depth of the extension should be reduced by one bay and that the height of the extension should be reduced so it sits below the eaves of the host building with a simple parapet; this would result in a more subservient scale and appearance. It was also recommended that the fenestration references the size of the existing windows and reflects the window hierarchy between ground and first floor. I acknowledge that the concrete lintels at first floor are slightly large than within the initial scheme, however, this does not go far enough to address concerns.

As noted previously, there may be scope for a small, well-detailed single storey link. However, the 'link' element of the proposed extension does not appear as a link due to its height, width, and thick framing. A link would typically be a small, single storey, connecting structure that has minimal framing to ensure it remains as discrete as possible. I acknowledge that the 'link' has been set back from the front (south) elevation, but this does not address fundamental concerns regarding the height. The scale of the 'link' coupled with the large amounts of glazing exacerbates the visual impact of the extension.

The amendments to the proposed extension are minor and do not address previous concerns raised. The scale and massing, combined with the form and appearance of the proposed extension would contrast and compete with host building, detracting from its primacy and pre-eminence. This would undermine the ability to appreciate and understand the listed building's architectural interest and thereby detract from its significance. The west elevation and south elevation are visible from several views within the Conservation Area. Given the visual prominence of the proposed extension, compounded by its scale and appearance, it would also fail to preserve or enhance the character and appearance of the Conservation Area.

External alterations

The overly modern glazing in the nineteenth century extension has been omitted, and the proposed fenestration within this section is acceptable. The proposed works to the eastern, late Victorian and interwar extensions and removal of a modern windows at ground floor to the north elevation do not raise an objection. The lowering of cills within the 'later/ extended wings' appears to result in the unnecessary loss of historic fabric.

Internal alterations

Previous advice stated the derivation of the ground floor wall where a platform lift would be inserted has not been determined; further information should be provided on this aspect prior to agreeing the principle of its demolition. This aspect has not been addressed and it is now proposed to remove additional fabric at ground and first floor to provide wider entrance to the proposed extension.

There is still a preference to remove the lobby entrance to the staff room; the benefits of removing modern partitions to improve the floorplan would be undermined by this aspect. There are also some concerns that the proposed layout for the stairs, platform lift and storeroom as this would result in fireplaces/chimney breasts being within ancillary spaces

and covered over, further information should be provided to understand the impact of these works.

Landscaping

As per previous advice, it is proposed to increase the hardstanding to accommodate additional parking. This would result in the loss of verdant landscaping within the immediate setting of the listed building and there is still a preference for the hardstanding to be reduced. I acknowledge that layout has also be dictated by the existing mature trees which do make an important contribution to the Conservation Area and setting of the listed building. The carparking may be considered acceptable depending on the surface treatment; I recommend that the landscaping is softened with less formalised bays.

I acknowledge the benefit of removing the railings. However, the existing steps and ramps are being replaced, not removed in entirety. The existing pathway to the front is separated from the listed building by planting, which works to soften the appearance of hardstanding. Comparatively, the proposed steps and ramps would be more visually prominent due to their scale and would abut the listed building. Whilst concerns have not been raised regarding this aspect, the removal of existing steps and ramps cannot be considered an enhancement taking into consideration their proposed replacement.

Advice provided within the first consultation response relating to this application (provided on 09/05/2023) regarding the access track remains relevant.

Heritage Benefits

As noted within previous advice, there are enhancements arising from this scheme, however, such enhancements would not completely outweigh the harm identified arising from other aspects of proposal. Such heritage benefits should not be considered a substitute for a sympathetically designed extension.

It is acknowledged that the building is currently unoccupied, and the proposal does present an opportunity to bring it back into use. However, I consider there to be scope for a more sensitive scheme. It has not been demonstrated that the proposed use is the one that would cause the least harm to the listed building's significance or that the extension, in its current form, appearance and scale, is fundamental to securing the listed building's optimum viable use.

The proposals would fail to preserve the special interest of the listed building, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the level of harm is considered to be 'less than substantial' as per paragraph 202. 'Great weight' should be given to the heritage asset's conservation as per paragraph 199. Paragraph 200 would be relevant.

Officer comment: In response to the Conservation Officer's objections, the applicant has provided the following statement:

We do not agree with the harm alleged by the proposed extension and link and highlight that the link is lower than the roof of the existing extension and represents an improvement over the clumsy and poorly designed existing extension. Fundamentally, we believe that the significant benefits, including heritage and wider public benefits, outweigh the harm, and the balance is tipped by our different assessment of the extension. Even if there is still a low level of residual heritage harm, that would need to be weighed against the benefits of the scheme.

The statement that it is considered that there is scope for a more sensitive scheme is immaterial. There is no fallback option and no alternative scheme for this building. The building has been vacant for an extended period with no other viable scheme or occupier being brought forward. Alternative, vague and untested schemes or designs cannot be put forward as a reason for refusing the current, very detailed scheme that would secure the future of the building and provide significant heritage benefits, reversing the fortunes of the building which has deteriorated into a state of disrepair.

It is also noted that following on from discussions with officers, the applicant has submitted further amendments. Planning Officers have considered the amended plans, and documentation provided and are of the view that the proposals do overcome the Conservation Officer's concerns. This shall be discussed within the analysis section.

4.1.6 Three Rivers District Council Tree and Landscape Officer: [Objection]

Recommend: Refusal

The site is within the Croxley Green Conservation Area and Metropolitan Green Belt, and there are numerous trees on-site protected by Tree Preservation Order (TPO239). The location also borders a local wildlife site (08/013).

The site is situated at the northern end of The Green, an extensive area of Common Land, within the parish of Croxley Green. It comprises of a country house within landscaped gardens, that is accessed via a single-track road across The Green. The house is partially screened from The Green by mature trees, but is a prominent feature due to the flat, open nature of The Green. The grounds of the house are relatively extensive, and contain many mature trees, in particular two very large and impressive specimen Cedars close to the northern facade of the building. To the south and eastern boundary of the site the trees form a continuous shelter belt along Little Green Lane.

The proposed redevelopment and change of use from a residential care home to a children's day nursery would indicate that there will be a significant increase in the number and frequency of vehicle movements, with significant numbers entering, exiting, and moving around the site on a daily basis.

Even with the re-design of the landscape around the building, the relatively narrow entrance with a sharp right-hand turn into the site, would appear to be unsuitable for large numbers of vehicles. This may be further exacerbated by the shared access for the neighbouring residential care home, whose service entrance opens on the driveway and could lead to additional traffic congestion during deliveries.

In addition, due to the number and proximity of mature trees on the site, the amount of parking that can be provided for the pick-up and drop off of children is severely limited and could lead to over spill parking in unauthorised areas, including The Green. This could be damaging for protected trees on the site, particularly the prominent Cedars, leading to additional encroachment into Root Protection Zones and /or future applications for additional parking provision.

The plans indicate that the access road across The Green would be widened to accommodate two vehicle lanes. This may require some encroachment into the adjacent Common Land that is owned by a third party (TRDC), which the applicant presumably has a right of access over. It is not clear from the plans whether permission has been sought for this or whether this would be granted by the landowner. As a result, it may not be possible to widen the access road to accommodate additional traffic. The widening and formalising of the road (such as curbing and road markings) could also have an urbanising effect and have some visual landscape impact on The Green.

A new pedestrian access point at the southeast corner of the site is also proposed. This would require some surface and level improvements of the existing informal path on The Green to make it accessible for parents and young children, again this would require permission from the landowner. The transport statement includes details of highways improvements on Little Green Lane associated with the neighbouring Killingdown Farm development. This suggests that the intention may be for Little Green Lane to be used for parking by users of the nursery to gain access to the site via the pedestrian entrance. Hence development of an entrance in this location, could also result in additional traffic and congestion issues on Little Green Lane, particularly once the residential development at Killingdown Farm is completed.

Refusal is recommended due to the sensitivity of the surrounding landscape, and its limited ability to accommodate the increased traffic generated by the proposed development, without it resulting in unacceptable impacts to protected trees and the visual amenity of The Green and the Croxley Green Conservation Area.

Officer comment: In response, the applicant submitted a letter in response to the Landscape Officer's objections and the comments are summarised as follows:

- The comments relate to transport matters and not landscape. The proposed development will not result in significant vehicle movements around the site on a daily basis. The nursery use will be limited to five days a week, with movements limited to certain times of the day.
- The comments in relation to access are a transport matter and have been reviewed by HCC who have raised no objection. The entrance width to the site will be 4.5m and at the northwestern corner of Croxley House there will be a passing width of 6m. This is more than adequate for a safe passage of two way traffic.
- No evidence has been provided to suggest that parking will overspill in unauthorised locations.
- The landscape proposals have been designed with the inclusion of physical measures to ensure that vehicles cannot encroach upon the landscape and root protection areas. The landscape levels ensure no dig construction over the roots of trees. Installation of a permeable surface in place of the current impermeable tarmac over the roots of prominent cedars will be of benefit to the trees.
- Right of access is not a material planning consideration. The applicant is following the correct procedure by first applying to for planning permission for the widening of the road.
- There will be no curbing and road markings and the road will not be formalised. This would be secured by planning condition.
- No surface or level improvements to the existing informal path on the Green are required or proposed. Therefore, no permission from the landowners are required.

The Landscape Officer has provided the following comments in relation to the additional information, raising concerns:

- 4.1.6.1 The additional information provided by the applicant reiterates the transport and parking studies previously submitted, which confirms that there will be additional vehicle movements in around the site, focused on peak times at the beginning and end of the day, but that this will not negatively impact trees and the landscape. Despite this concerns still remain over the possible impact during peak times, and particularly during times of inclement weather when there may be increased drop offs by car.

The applicant's studies at other sites suggest that the parking provision should be adequate for this location, although there does not appear to be any suitable space to increase parking provision, without an impact on trees and the landscape if this is not the case.

The information indicates that the access road across The Green to the site is not a planning consideration. This suggests that if planning permission were granted, the site could operate without any need to widen or upgrade the existing access road, which as previously mentioned could be detrimental to the landscape of The Green.

The information also indicates that the pedestrian entrance to will not require any level or surface improvements across The Green, this would suggest that access to the site by pedestrians with young children maybe undesirable during the winter and spring months and during periods of unsettled weather, due to muddy and wet conditions and overhanging vegetation, which as above may increase drop offs by car during these times.

If the application is approved, a detailed tree protection method statement should be required. This would need to be closely integrated with detailed landscaping plans to ensure that trees are fully protected during construction. There should also be a specific condition requiring arboricultural supervision on-site during key phases, such as demolition, excavation and laying of new surfacing. A long-term landscape plan should also be required setting out how new planting will be successfully established and how different areas will be maintained into the future.

4.1.7 Hertfordshire County Council – Highway Authority: [No objection]

Recommendation: Recommended Amended Details

Comments: In order for HCC as the Highway Authority to feel satisfied with the application an amendment is requested. It is outlined within the Transport Assessment that the width of the access route into the site is to be widened to 4.5m rather than the 4.8m which was requested within the pre application advice. The 4.8m is once again requested as this will ensure that two cars can pass comfortably, as shown in Manual for Streets figure 7.1. Without an appropriate width, which ensures that wing mirrors are accounted for, which figure 7.1 does not, it is likely that vehicles would overrun the common land, causing more damage than an additional 0.3m widening would.

Furthermore, it is unclear the exact current width of the proposed internal footway which connects to the new pedestrian crossing. According to drawing number AR-00003 Rev P01, the footway is approximately 1.3m wide. A 2m would be recommended to ensure that two buggies or two wheelchairs have the ability to pass one another. 1.5m would be the absolute minimum if 2m is not possible along the entirety of the footway.

Once these amendments and clarifications have been made, HCC as the Highway Authority will be in the position to submit a full response.

Officer comment: The applicant discussed the proposals directly with Herts Highways and the following comments were received:

4.1.7.1 Hertfordshire County Council – Highway Authority (Second comment)

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

Construction Management Plan / Statement

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

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;

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

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

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

Further information is available via the County Council website at:

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

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

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

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

AN4) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be

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

AN5) Common Land: The existing access route crosses land which forms part of registered common land CL035, Croxley Green. The applicant shall be responsible for obtaining any necessary consents that may be required in accordance with the provisions of The Commons Act 2006 (or as subsequently amended). Further guidance can be obtained on the Government website at <https://www.gov.uk/common-land-village-greens> N.B. The applicant may need to consult with and obtain permission from other interested parties and there is guidance on the Government website at <https://www.gov.uk/guidance/carrying-out-works-on-common-land> and on the County Council's website at: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/common-land-and-town-and-village-applications/common-land-and-town-and-village-green-applications.asp>

AN6) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

Comments/Analysis

Description of Proposal

Change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition, construction of extension; ramp access; repairs to boundary wall with associated parking and landscaping works; and widening of existing access track, and alterations to fenestration

Site and Surroundings

The Green is a classified C local distributor route subject to a 30mph speed limit which is highway maintainable at public expense. The access is close to the junction of The Green with Sarratt Road, which is also a classified C local distributor, and Loudwater Lane, which is an unclassified local access route, all of which are subject to a 30mph speed limit and are highway maintainable at public expense. The site is located on the north-western edge of Croxley Green, fronting the green itself. Therefore, the area to the front of the site on which the access route is located, is an area of common land, CL035.

The closest bus stop to the site is located on The Green, approximately 575m to the south of the site. The nearest train station is Croxley which is approximately 1.2km from the site and is served by the Metropolitan line. Both of these lengths exceed the recommended walking distances for walking to transport connections outlined in Planning for Walking (CIHT). Therefore, the site would not be considered to be in a sustainable location in relation to sustainable transport links. A Travel Plan has been provided in relation to improving the sustainability and active travel options to the site; comments relating to the Travel Plan are discussed below.

Travel Plan

A Travel Plan has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The travel plan is considered to be generally acceptable for this stage of the application. Nevertheless, a full TP would need to be updated and secured via a Section 106 planning obligation. A Full Travel Plan will be required to be in place from first occupation until 5 years post full occupation. A £1,200 per annum index-linked RPI March 2014 Evaluation and Support Fee should be secured by section 106 agreement in accordance with Hertfordshire County Council's Travel Plan Guidance. This should incorporate measures to promote sustainable transport, an appointed travel plan co-ordinator and an appropriate monitoring programme.

Full guidance is available at: www.hertfordshire.gov.uk/travelplans or for more guidance contact: travelplans@hertfordshire.gov.uk

The submitted travel plan (TP) will need the following additional information, prior to approval:

- Secondary contact details should be provided along with full travel plan coordinator details once appointed.
- Time allocated to TPC role and where they are based should be specified in the travel plan.
- Please include detail on how cycle repair kits will be promoted/ claimed. How will active travel information be promoted outside of the travel information packs? Will the information be displayed on site (posters or notice boards)?
- Number of cycle parking spaces and type of cycle parking should be specified in the travel plan.
- Targets should be set for each year for the five years of travel plan monitoring.
- More detail is required for monitoring method. Monitoring surveys should take place annually for 5 years (staff surveys, facilities).
- A travel plan review should take place annually and a report should be submitted to HCC within 3 months of data collection.
- The travel plan should be secured through S106 and evaluation and support fee should be paid to HCC.

Access and Parking

The application makes use of the existing access into the site which is a bellmouth shared with the newly renovated care home, Clarendon Lodge. The driveway route is a surfaced concrete structure which runs through the common land. In the highways pre application advice, which was provided by HCC in July 2022, the widening of the existing driveway was discussed. HCC as the Highway Authority recommended that the driveway was widened to a width of 4.8m to ensure that two modern sized cars can pass each other comfortably without the need to divert onto the common land. Within the Transport Statement, it is stated that the proposed width for the driveway is to be 4.5m. 4.8m would be preferred to ensure that not only cars, but larger vehicles such as vans have the ability to pass each other, without having to overrun the common land. Although it is acknowledged that within an email from the transport planner that 4.5m would be the limit for the widening of the driveway to ensure as little works as possible occur on the common land. As it is not highway land and 4.5m would technically be plausible according to Manual for Streets, HCC as the Highway Authority would not maintain refusal on this matter. However, it is to be noted that using this smaller width, some overrunning of the common land would be expected, especially due to the large increase in trips to and from the site which has also been shown in the Transport Statement. A swept path showing two vehicles passing on the access route has been provided in appendix D of the Transport Statement although it is noted that the vehicles used are small cars. It would, however, ultimately be up to the secretary of state to approve of any works on the common land.

Regarding the aforementioned trip rate from the site, in section 5 of the Transport Statement the existing and proposed trip rates from the site have been outlined. Hertfordshire County Council as Highway Authority can only recommend the refusal of planning permission or object to the proposals in the context of paragraph 111 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Following consideration of the anticipated trip generation for the development, the number of vehicle trips associated with the proposed use would not be considered to be severe nor significant enough on its own to recommend refusal from a highways perspective. It is acknowledged that the trip rate at the site during the AM and PM peak will increase by a substantial, but not severe, amount, as shown in table 5.5 within the Transport Statement, contrary to paragraph 7.119 of the Planning Statement which says that there are 'low traffic volumes anticipated'. Furthermore, the site access route is shared with the recently redeveloped Clarendon Lodge. Hence, the previous points made in relation to the need for vehicles to be able to pass one another with ease on the access route into the site from the common.

The application does not propose any alterations that will impact upon the visibility splays from the existing access and due to the location of the access through common land, ample visibility is available in all directions from the nearby junction. It is noted there have been two collisions of a slight severity within the last 5 years nearby the site, but none fronting the access. One of which at the junction of Loudwater Lane and Sarratt Road, and another at the junction of The Green and Baldwins Lane.

Regarding pedestrian access, a separate pedestrian access is proposed to the existing vehicular access. As shown on drawing number 00003 Rev P01, the pedestrian access into the site is proposed in the southeast corner through the boundary treatment. A site visit confirms that the existing boundary treatment at this location is a wooden fence which has collapsed slightly, so there would not be any demolition to the historical wall required. The proposed pedestrian access would link up to an informal pathway which runs through the common land which would connect to a crossing point which is to be installed through contributions connected to the development at the adjacent Killingdown Farm site. In the initial interim response, it was noted that the internal footway at the site was shown to be approximately 1.3m wide. A 2m wide footway would be recommended to ensure that two buggies or two wheelchairs have the ability to pass one another. 1.5m would be the absolute minimum if 2m is not possible along the entirety of the footway.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that the parking arrangements for the site have been shown on drawing number 00003 Rev P01 and within the Parking Management Plan. There is to be a total of 25 parking spaces within the site, with 8 of these being specific drop off spaces. Within the proposed block plan, drawing number 00003 Rev P01, it is not made clear which spaces are specifically for drop off only. Drop off for the site should not occur within the highway, so HCC as the Highway Authority are supportive of the specific drop off spaces within the site. 17 of the parking spaces would be allocated for staff use. In terms of the parking layout, the 6 spaces which are located next to the proposed bin store do not seem fully accessible as vehicles in the rear 3 spaces would become blocked in by the front 3 spaces, which could cause concerns about congestion within the site. The other parking areas have the sufficient 6m behind the spaces which ensure that vehicles can manoeuvre in and out of spaces. Within the Transport Statement, electric vehicle parking has been applied using TDRC parking standards creating 5 charge points and a further 5 spaces with passive charging provision.

Cycle parking has been provided at the site with 4 long term spaces. These spaces should be covered and secure, the proposed plans do not make it evident that they are. HCC as

the Highway Authority would be supportive of any increase to the number of cycle parking spaces to encourage the use of sustainable and active transport.

Refuse and Waste Collection

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location. A refuse store has been outlined in the proposed block plan, drawing number 00003 Rev P01. A refuse vehicle will have to enter the site to collect any waste as per current arrangements according to the Planning Statement. Within the Transport Statement, appendix G shows a 12.1m entering and being able to turn around within the site. It is to be noted that due to the minimal proposed widening of the access route a refuse vehicle and car would not be able to pass each other without overrunning the common land.

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. Appendix H of the Transport Statement shows a swept path drawing which indicates that a fire tender can enter and turn around within the site in order to leave in forward gear.

Construction Management

A Construction Management Plan (CMP) has been requested via condition to ensure that the common land is not negatively impacted by the demolition and construction at the site.

Conclusion

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

4.1.7.2 Officer comment: Given the significant length of time which has passed since the resolution by committee to grant planning permission subject to the completion of a S106 agreement, officers had further discussions with HCC regarding the requirement for a Travel Plan. The following comments have been received.

4.1.7.3 Herts County Council- Local Highway Authority: Third Comment: [No objection]

I had a discussion with our travel plan team and they confirmed that if the 106 would not be possible, then they would be satisfied with securing a travel plan via condition, provided that it includes clear requirement for submission, implementation and ongoing review.

4.1.8 Thames Water: [No objection]

Waste Comments

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed

illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

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

4.1.9 Hertfordshire County Council - Lead Local Flood Authority: [Objection]

This application is for a change of use of existing building from a Care Home (C2) to a nursery (Class E). This includes a partial demolition of an existing single storey extension and construction of a two-storey front extension including spiral stairs, ramp access, green roof, rooflights and vents. Additionally, this application includes repairs to boundary wall, parking and landscaping works, widening of an existing track and internal alterations.

We are concerned about the lack of sufficient and clear information pertaining to this sites drainage strategy. Clarification on the drainage methods and outfalls is required. Alongside this, the drainage hierarchy has been poorly followed, with several methods lacking suitable evidence as to why they cannot be used.

We object to this planning application in the absence of an acceptable Drainage Strategy. The development does not comply with local policies, NPFF or PPG ○ Policy DM8 – Flood Risk and Water Resource.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Informative

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

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Hertfordshire Lead Local Flood Authority and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Applications should use the most up to date FEH2013 data. Other planning applications using FEH2013 rainfall, will be accepted if they are currently at an advanced stage. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at FRMConsultations@hertfordshire.gov.uk.

Officer comment: The applicant submitted additional drainage information and the following comments were received from the LLFA:

4.1.9.1 Hertfordshire County Council - Lead Local Flood Authority (Second comment): [Objection]

This application is a Full Planning application for a change of use of existing building from a Care Home (C2) to a nurse's home (Class E). This includes a partial demolition of an existing single storey extension and construction of a two-storey front extension including spiral stairs, ramp access, green roof, rooflights and vents. Additionally, this application includes repairs to boundary wall, parking and landscaping works, widening of an existing track and internal alterations.

The LLFA acknowledge that a BRE365 testing report has been submitted for this re-consultation. However, several comments made on the original application have not been addressed. Furthermore, the report should be updated in consideration of the infiltration testing. We are still concerned about the lack of sufficient and clear information pertaining

to the sites drainage strategy. Clarification on the drainage methods and outfalls is required. Alongside this, the drainage hierarchy has been poorly followed, with several methods lacking sufficient evidence as to why they cannot be used. Finally, this application needs to explore the incorporation of above ground SuDS into the proposal and the measures for pump failure.

- We object to this planning application in the absence of an acceptable Drainage Strategy. The development does not comply with local policies, NPFF or PPG.
 - o Policy DM8 – Flood Risk and Water Resource

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing this objection if the issues highlighted on the accompanying Planning Application Technical Response document are adequately addressed.

Informative

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

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Hertfordshire Lead Local Flood Authority and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Applications should use the most up to date FEH2013 data. Other planning applications using FEH2013 rainfall, will be accepted if they are currently at an advanced stage. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

4.1.9.2 Hertfordshire Council Lead Local Flood Authority (third comment): [No objection]

Thank you for your re-consultation on the above site, received on 19 December 2023. We have reviewed the application as submitted and wish to make the following comments.

This application is a Full Planning application for a change of use of existing building from a Care Home (C2) to a nurse's residence (Class E). This includes a partial demolition of an existing single storey extension and construction of a two-storey front extension including spiral stairs, ramp access, green roof, rooflights and vents. Additionally, this application includes repairs to boundary wall, parking and landscaping works, widening of an existing track and internal alterations.

On the previous re-consultation, dated 1 December 2023, the LLFA objected to several points. After reviewing the documentation, the LLFA deems that there has been enough sufficient information provided to satisfy outstanding concerns. To see the outstanding and new comments from the LLFA, see Annex B and C respectively.

We have no objection subject to conditions being attached to any consent if this application is approved. We suggest the following wording. If the following conditions are not included, the development would be contrary to NPPF and local planning policies CS29 Sustainable Design and Construction and Three Rivers SFRA Level 2 and we would object until such time that the details below are submitted for review.

Condition 1: Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (7 December 2023, REF RMA-RC2441) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF Policies of Three Rivers Borough Council.

Condition 2: The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation.
- II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
- III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

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

Condition 3: Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 4. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of Three Rivers Borough Council.

Condition 4:

All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (7 December 2023, REF RMA-RC2441), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Three Rivers Borough Council

Informative: Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at FRMConsultations@hertfordshire.gov.uk.

4.1.10 Herts Footpath Section: No comments received.

4.1.11 Herts Ecology: [No objection]

Thank you for consulting Hertfordshire Ecology on the above.

Summary of advice

- There is sufficient ecological information to enable determination.
- The ecological information describes a biodiversity net gain (BNG) of at least 10%.
- The recommendations and enhancements in the ecology report should be followed.
- Bat roosts are present. Condition for evidence of a bat licence, or confirmation of a valid licence, to be sent to the LPA.
- Secure an Ecological Management Plan (EMP) and Construction and Environmental Management Plan (CEMP) by condition.
- The EMP should describe details of the precise impact to the grassland Local Wildlife Site (LWS) from the access widening works and any subsequent bespoke compensation / mitigation.

Comments

The application is supported by a comprehensive ecological report:

- Ecological Appraisal (EA), March 2023 prepared by Greengage

The site was visited in August 2022 and is approximately 0.96ha. It comprises the Grade II listed Croxley House (currently a vacant care home) and associated outbuildings set within hard and soft landscaped grounds (with hardstanding, woodland, scattered trees, hedgerow, neutral grassland, introduced shrubs and a small ornamental pond). Several trees in the grounds are protected by a Tree Preservation Order. Existing access is via the road from The Green.

Trees

There are 40 individual trees and 4 groups of trees on site. I am pleased to see the majority will be retained where possible; however three trees are proposed for removal and this loss should be compensated for. The Landscape Plan shows replacement and enhancement native-species planting, extension of the broadleaved woodland, and creation of an orchard - which are all welcomed.

Local Wildlife Site (LWS)

The open grassland (the Green) directly south of the site is designated as a non-statutory Local Wildlife Site (LWS) for its neutral and acidic grassland interest. The LWS covers 9.49ha and runs south away from the application site. The grassland supports some scarce and locally uncommon species; however, the main interest that supports the most important plants is in the triangular centre of this extensive site, some 140m from the application site.

Slight widening (and upgrading) of the existing access road is proposed and Photos 25 and 26 on page 66 in the Heritage Statement show the proposed widening. The edges of the LWS grassland at the road appear compacted and degraded. In the scheme of things, I consider the loss of approximately 0.044% of LWS grassland in this area to be minimal and of little concern.

However, I am concerned about how much of the LWS grassland will be impacted during the access improvement works by construction vehicles, storage of materials, etc. Details, including compensation / mitigation for any loss of or damage to LWS grassland, are not provided and will be required by the LPA for approval at the appropriate stage of the planning process. The EA states that: "Confirmation of the exact area to be affected will be provided at detailed design stage with appropriate bespoke compensation to be incorporated as required" (para 1, page 29) - this information needs to be secured and approved by the LPA. The EA goes on to say: "However, this could take the form of restoration of acid grassland in areas currently classified as other neutral grassland" – which would be an acceptable option to Herts Ecology. Again, details (on methodology, management and maintenance) need to be secured and approved by the LPA. This information should be included in the EMP (see below) secured by condition.

In addition to the above, care should also be taken to avoid adverse effects from dust and pollution, etc., on the habitats remaining on site and the adjacent LWS grassland from the various construction stages. A Construction and Environmental Management Plan (CEMP) should be produced by condition:

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) for biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
 - b) Identification of 'biodiversity protection zones'*
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
 - d) The location and timings of sensitive works to avoid harm to biodiversity features.*
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.*
 - f) Responsible persons and lines of communication.*
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
 - h) Use of protective fences, exclusion barriers and warning signs.*
- Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.*

Reason

To ensure sensible working practices which protect ecology on and adjacent to this site.

Surveys and report

Sufficient protected species surveys were completed in 2022 and no further surveys are considered necessary for the planning process. Overall, the ecological report provides an adequate assessment of the impact of the proposals and is based on appropriate survey methods and effort. The likelihood of an adverse ecological impact is negligible-low, but the report suggest reasonable precautionary measures to ensure that legally protected species are not harmed. These are in section 5.2 of the EA and should be followed.

As bats were confirmed to be roosting in the main building, a licence from Natural England will be required to proceed lawfully with proposals that will affect the bats and their roosts. Issuing of the licence will rely on up-to-date survey information, and a licence can only be

applied for once planning permission has been granted. So if updated surveys are required by Natural England, they will need to be factored into the development timescale (they need to be undertaken between May and September).

For the planning process and this application, I advise seeing evidence of the bat licence, or confirmation of a valid licence, by condition:

Works to the main house shall not in any circumstances commence unless the local planning authority has been provided with either:

a) evidence of a licence, or confirmation of valid licence, issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity / development to go ahead; or

b) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Development shall then proceed in accordance with that licence and in accordance with the approved ecological report (Ref: Ecological Appraisal, March 2023 by Greengage) unless otherwise agreed in writing with the LPA.

Reason: To ensure protected species (bats) are protected from harm.

The recommendations also include the need for an Ecological Management Plan (EMP), a CEMP (see above), wildlife sensitive lighting, and biodiversity enhancements - and these should also be followed.

The EMP should be secured by condition:

No development shall take place (including demolition, ground works, vegetation clearance) until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:

a. A Description and evaluation of the features to be managed.

b. Ecological trends and constraints on site that might influence management.

c. Aims and objectives of management.

d. Appropriate management options for achieving aims and objectives (for example but not limited to enhancements such as woodland and grassland management (including LWS grassland), native species planting, creation of an orchard, plants of benefit for biodiversity, bat and bird boxes and other features for hedgehogs and invertebrates).

e. Prescriptions for management options.

f. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a minimum five year period).

g. Management responsibilities.

h. Ongoing monitoring and remedial measures.

These works shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the ecological impacts of the biodiversity present are properly addressed on this site, and on the adjacent Local Wildlife Site.

BNG

The report demonstrates at least 10% biodiversity net gain for both area (habitat) and linear (hedgerow) uplift. Although not yet mandatory, this is commendable and I have no doubt that the proposed measures and suggestions, if secured in the EMP, will provide meaningful net gain.

4.1.12 Herts and Middlesex Wildlife Trust: No comments received.

4.1.13 National Amenity Society: No comments received.

4.1.14 TRDC Environmental Health (Commercial): [No objection]

Air Quality: I have reviewed the Air Quality Assessment prepared by BWB (Document ref. 232404-AQA-0001). An assessment of construction phase impacts has been undertaken and mitigation measures have been recommended to minimise emissions. With the implementation of these measures, the impact of construction phase dust emissions is considered to be not significant.

The predicted trip generation for the proposed development does not exceed the relevant screening criteria for a development outside of a an AQMA, therefore dispersion modelling was not undertaken. Air quality impacts as a result of additional road traffic emissions associated with the site are considered to be not significant.

The measures proposed as part of the development (discussed in section 6 of the Air Quality Assessment) that may be beneficial to air quality are welcomed.

I would recommend that a condition requiring the submission of a dust management plan be applied to any permission granted. The dust management plan should incorporate the recommended mitigation measures detailed in Table 5.5 and Table 5.6 of the Air Quality Assessment.

Land Contamination: Online historical mapping shows that the site had been developed by the mid-19th century, Croxley House is shown on the map published in 1868, there do not appear to have been any significant changes on site until the early 1960s, the site is labelled Croxley House (Old People's Home) on the map published in 1961, however, the layout of the site remained unchanged.

The site does not appear to have had a previous potentially contaminative use. The residential use of the site is unlikely to have given rise to anything more than diffuse anthropogenic contamination. Any unexpected contamination encountered during the development shall be reported to the LPA. Based on this, the following contaminated land condition is recommended on this and any subsequent applications for the site.

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

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

4.1.15 Affinity Water: No comments received.

4.1.16 TRDC Environmental Health Officer (Residential): [No objection]

The Environmental Noise Assessment prepared by Entran Limited, has been demonstrated that indoor noise levels would meet the standards set out within the Building Bulletin BB 93 Acoustic Design of Schools: Performance Standards. Since the building and its grounds will be used as a nursery, Environmental Health do raise concerns that the noise assessment has not considered the impact of noise associated with 122 preschool children utilising the

outdoor gardens which you can expect would include shouting, screaming, and crying. Although justification for this has been provided within the assessor's comments in paragraph 1.4, the noise from children should be considered as part of the noise assessment.

Based on the information, provided Environmental Health do not wish to restrict planning permission but we would ask for an additional noise assessment to be completed which assesses the potential impact of noise associated with 122 preschool children utilising the outdoor spaces.

Officer response: With regard to the Environmental Health Officer's comments; the following comments were received from the applicant:

We have received the below response from our noise consultants in relation to the request for an additional noise assessment. We would be grateful if EH could review this and confirm if they are happy with the AGP noise level as a suitably cautious value and that the below methodology is accepted.

To reiterate our previous comment, there are no residential facades immediately overlooking the outdoor nursery space. The nearest residential façades are at the care home, approximately 40m south west of the garden area (based on the ground floor plan obtained from planning application 16/0964/FUL). The care home rooms are partially or completely screened by the Clarendon Lodge building. The main care home amenity area is completely screened as it is sited within an enclosed courtyard. Additionally, we would not expect 122 children to be outside shouting, screaming, and crying at all times.

Turning to the noise from the garden area - There is no generally adopted source level for children playing outdoors. As a cautious consideration, I suggest we might adopt a level such as the average level attributed to outdoor AGP sports pitches as provided by Sport England (typical sports sessions - football, hockey, rugby, including perimeter strike boards). This level is given as 58 dB at 10m from the halfway sideline.

If we apply this as a continuous LAeq,T at 10m from the boundary of the garden, applying a simple $10 \cdot \log r$ distance correction results in an indicative level of 52 dB at the nearest residential façade. The residential facades appear to be either inwards facing or screened by the Clarendon Lodge and Croxley House buildings. If we apply a cautious -5dB correction for partial screening we arrive at a value of 47 dB LAeq,T. A further -15 dB due to partially open windows gives a level of 32 dB LAeq,T. The residential criteria for daytime resting is 35 dB LAeq,16hr with a desirable guideline value of 50 dB for outdoor amenity space. Both of these values would be attained at the nearest residential façade, based on the calculation above.

With further reductions due to distance and screening the noise levels at Clarendon Lodge are unlikely to be significantly high.

4.1.16.1 Officer comment: The Environmental Health Officer has provided further comments as follows:

Having reviewed the comments from the noise consultant provided below, my concerns around the potential impact on Clarendon Lodge have been satisfied. As such, I do not have an objection to the proposal.

4.1.17 National Grid: No comments received.

4.1.18 TRDC Environmental Protection: No comments received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 18

4.2.2 No of responses received: 106 in support.
1 objection.

4.2.3 Site Notices for both applications: Expired: 13.05.2023

Press notices for both applications: Expired 06.05.2023

4.2.4 Summary of Responses: [Objection]

No objection to principle of change of use, however, the proposed elevations/extensions are not in keeping with a Grade II Listed property.

4.2.5 Summary of Responses: [Support]

Will provide much needed childcare for local residents in a wonderful setting.

Will bring a now disused building and bring it back to life and modern standards.

The site is large and offers a space for children to learn without the need for mass redevelopment.

The development will provide investment in the fabric of Croxley House and the immediate surrounding area.

The benefits to the local economy and community are also clear, providing additional jobs and supporting productivity of parents who are then able to return to work.

Support application to support the provision of high- quality childcare in our local community.

Imperative to ensure children have the best possible start to life and for parents to be able to access high quality childcare provision in order to work and support local infrastructure.

Boys and Girls Croxley is a valuable addition to the existing Croxley Community, support this much needed asset to the local community.

Boys and Girls Nursery are a well known local organisation who are integral to the local economy, community, childcare solutions and lifeline to working parents;

Boys and Girls Nursery is a wonderful place and want to ensure it has a secure long term future in our community.

The documents propose a long term solution to a local business which supports the local community. Local nurseries have faced a lack of support when most needed such as Morris Minors.

As a member of staff and as a parent of a child attending this nursery, I full support the application.

The Council has a duty to support the application especially in view of the new government policy giving free childcare to 1 and 2 year olds.

The demand for places will increase as the government's plans for extended 'free' childcare come into place.

There are few places where childcare facilities are able to be set up locally.

Imperative to provide access to early years provision, to ensure that children have best start to life, and for parents to be able to access high quality childcare to return to work and support the local infrastructure. Without this, does the Local Authority have alternative plans to support working parents and support the growth and education of the youngest stakeholders in the community.

Childcare in the areas is sparse at best and with new development in the area, the need for more options will increase.

There is a long waiting list at the Nursery in its current location and the local population is only set to increase due to the large development approved at Killingdown Farm.

The Council has let 2 local nurseries close recently for example Morris Minors (rated Outstanding by Ofsted), which closed as they could no longer lease the building. I hope the Council will compensate for this by supporting Boys and Girls application to ensure their long term future.

The plans are sympathetic to the existing building and will provide a fantastic setting for the children.

Having worked for the company for more than 10 years, 7 of which were with the current Croxley Branch, I can say with confidence that the renovations and changes will be made with respect to the character of the existing building.

The proposal gives minimal impact to the area that would have otherwise been there in its previous uses. Any impact there may be, will be outweighed by the benefits they will provide.

Childcare in the area is sparse at best and with new development in the area (Killingdown Farm) the need for options will increase.

Without nurseries in our area; there would be a significant reduction in childcare provisions, job losses and local people having to look further afield to find childcare provisions.

New location will be an improvement to the facility that if not approved would be a great loss to the community.

Large site and would offer a great place for children to learn and grow without the need of mass redevelopment.

Will make use of a disused building and bring it back to life and modern standards.

Research shows that high quality Nursery Education and care has positive and long lasting impacts on our children's outcomes.

Benefits to the economy including additional jobs and supporting parents who are then able to return to work.

4.2.6 Herts County Council (Children's Services): Whilst not formally consulted by TRDC, Children's Services provided comments in support of the application.

I am writing this email in support of the above applicants planning application.

As a local authority we have the statutory requirement to ensure that working parents have access to good quality childcare to enable them to work and or study. In this area of Three Rivers there is a need for childcare which is currently provided by your applicant for working parents. If this childcare provision planning application was to be rejected this will have a

detrimental impact on those parents currently in receipt of this childcare and impact on their working ambitions.

Long term this planning application will support the governments ambitious childcare expansion plans for working parents.

5 Reason for Delay

- 5.1 To allow for issues identified by officers and consultees to be addressed and further amendments to be sought.

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 Legislation

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

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

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.

6.3 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 CP1, CP2, CP3, CP6, 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, DM8, DM9, DM10, DM11, DM13 and Appendices 4 and 5.

The Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018). Policies CA1, CA2, H01, H03, RE3.

6.4 Other

The Croxley Green Conservation Area Appraisal

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 wanted and are able to live and work. The priorities for the future are amongst other things, to provide growth required to support local communities and provide for their needs in the most sustainable way possible, to improve access to housing and affordable housing and to recognise opportunities to improve and enhance the built, historic and natural environment wherever possible. In order to implement and deliver the Local Development Framework's Vision, Strategic Objectives have been identified which include; to balance the community's need for future homes and jobs by providing sufficient land to meet a range of local housing needs.
- 7.1.2 Policy CP2 (Housing Supply) of the Core Strategy states that providing sufficient housing to meet the needs of local communities in a sustainable way is one of the key challenges facing Three Rivers. It further states that, amongst other things, development in the District, needs to provide an adequate and continuous supply of housing, provide a range of types and sizes of homes to meet needs at an appropriate density; and address local affordability issues. Policy CP3 (Housing mix and density) sets out that the Council will require housing proposals to take into account the range of housing needs in terms of the size and types of dwellings as identified by the Strategic Housing Market Assessment and subsequent updates. This includes the provision of housing for the elderly, and supported and specialist housing which will be encouraged in suitable and sustainable locations.
- 7.1.3 Policy SA1 (Housing Site Allocations) of the Site Allocations LDD (adopted 2014) states that, in view of the need for new housing in Three Rivers, the benefits of building new homes in Three Rivers would be undermined if the stock of existing housing were to reduce. Therefore, the Council's starting point is to protect existing housing in the District. Furthermore, it is noted that the LPA cannot currently demonstrate a 5 year land housing supply.

- 7.1.4 The existing building historically provided an elderly person's care home accommodating 33 bed spaces. However, the most recent planning permission for Croxley House, resulted in alterations to the existing building and a reduction in the number of bed spaces within Croxley House itself to 24 beds. In addition, the permission included, the provision of a new 40 bed care home facility known as Clarendon Lodge being located immediately adjacent to the host building. This permission has been implemented and is therefore a material planning consideration. It is noted that Care Homes do contribute towards the District's housing stock and when applying the Council's conversion rate of 1.9 C2 bedrooms to 1 market dwelling, it would mean based on the most recent permission, that the current proposal would result in the net loss of 13 residential dwellings. In addition, it is acknowledged that there is a need for facilities such as care homes within the District. This is clearly stated in the Croxley Green Neighbourhood Plan which states that housing proposals should consider the needs for priority groups, one of which is identified as the *'aging population which specially design accommodation including residential homes'*. Consequently, the proposed development would result in an objection due to the net loss of housing, and elderly persons accommodation which would be contrary to Policies CP2 and CP3 of the Core Strategy (adopted October 2011) and Policy SA1 of the Site Allocations Document.
- 7.1.5 With regard to the loss of elderly persons accommodation, it is noted that Croxley House has remained vacant since January 2021. The supporting information sets out that Croxley House as currently existing does not meet the required care standards and legislation. In addition, the last Inspection Report published by the Care Quality Commission in May 2021 (visit undertaken in December 2020) identified that the overall rating for the care home was inadequate. Officers have visited the site and viewed the building internally; and have observed that the corridors are narrow, that there is not level access with varying floor level changes throughout the building. Some of the rooms within the building are considered small, and do not have full ensuite facilities. Prior to its closure, planning and listed building consents (see para 1.3 and 1.4 above) were granted for works to the existing Listed Building to allow the building to meet modern standards. The works included the widening of existing corridors, the provision of level access and internal alterations to create rooms which met current care standards. However, the changes proposed resulted in a reduction in bedrooms from 33 to 24. It is understood that these changes were never implemented due to viability concerns regarding the changes and the loss of bedrooms.
- 7.1.6 Following the closure of the Care Home, Croxley House was marketed from 4th November 2021-4th May 2022. Whilst it is not considered that this is a significant period of time, there is not a set period defined in National or Local Policies as being suitable for marketing a property. Furthermore, it is noted that during this period a total of 112 enquiries were received, there were 31 viewings and a total of 9 offers. The supporting information highlights that the majority of initial interest was from residential developers, however, the general feedback was that there were concerns regarding the listed status of the building, its layout and that it would be too challenging to convert it into residential dwellings. Other developers considered the possibility of a conversion to 9 flats, however, the overall cost of conversion raised concerns that such a development would not be deliverable. An initial offer was accepted from a residential developer, however, this offer was subsequently withdrawn due to funding issues. The supporting information also notes that enquiries were received from care providers, some of which withdrew interest due to the location of the building as it is now adjacent to the new care home 'Clarendon Lodge'. Other care providers raised concerns that due to the buildings' listed status and the cost of modernisation, that the development would not be viable. As such, weight must be given to the significant length of time that the building has remained vacant for, the length of time the building was marketed for and that the existing building is not fit for purpose for use as a modern care home. It is acknowledged that since this application was first considered by Committee in November 2023, that a subsequent application for residential development has now been granted. However, as this permission has not been implemented to date, the building remains vacant and therefore this is still afforded weight.

- 7.1.7 Whilst the net loss of housing is acknowledged, Policy SA1 (Housing Site Allocations) does state that permission will not be granted for development resulting in the net loss of housing unless conversion to other uses is necessary to provide a small-scale facility and provided that the surrounding residential area is not adversely affected. In this case, the applicant is seeking planning permission to change the use of the building to a nursery. The supporting information provided by the applicant sets out that the redevelopment of Croxley House would provide a new setting for the existing Boys and Girls Nursery which currently operates from Croxley Business Park. The existing nursery offers 72 registered places (the nursery caters for 72 full time equivalent spaces on site at one time) and serves local residents within the district and surrounding areas. The current site at Croxley Business Park is within the freehold of Watford Borough Council and the current nursery only has a three year lease on the site. The site owner is not considering a long term nursery use of the site, and has instead signalled an intension to redevelop the site for employment purposes. Therefore, there is a need to relocate the existing nursery and for it to remain local in order to continue to serve existing users of the nursery.
- 7.1.8 Furthermore, the existing nursery at Croxley Business Park is operating at capacity, and it is understood from the supporting information that the owners turn away 25-30 enquiries per month, with their existing site in Rickmansworth also turning away 40-55 enquiries per month. Therefore, there is a demonstrated demand for this type of child care within the area. The applicant also notes the closure of another local pre-school within the area, St Oswalds Preschool in Croxley Green was operating at capacity and closed in 2022 which, along with the ongoing construction of other housing developments in the vicinity will likely increase the demand further. Herts County Council have also provided comments in support of the application stating that in this area there is a need for childcare which is currently provided by the applicant for working parents. The Development Officer at HCC notes that the loss of the nursery would have a detrimental impact on existing parents currently in receipt of this childcare and their working ambitions. It is understood that the applicant has searched for some time for other suitable sites to accommodate the nursery use. However, for varying reasons, these sites have not been deemed as suitable. Croxley House is viewed by the applicant to provide the best location and setting for this use as well as providing space to cater for existing and future demand. It is however, noted that since the time the original planning application was considered by Committee, that a further pre-school for children from age 2 has opened at Malvern Way School in Croxley Green.
- 7.1.9 The applicant suggests that the proposed development would provide a community facility in accordance with Policy DM12 of the Development Management Policies LDD. The supporting text to Policy DM12 does set note schools to be a community use and it is viewed that a nursery/preschool would also fall under this category. In addition, 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’.* In accordance with Policy DM12 of the Development Management Policies LDD, the proposal does seek to address a shortage of places for early years education. In addition, the site occupies an edge of settlement location and is therefore considered accessible. Furthermore, the NPPF, seeks to promote healthy and safe community and states the following at paragraph 93:
- To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (not limited to):*
- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*

- c) *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community;*

7.1.10 It is also 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 ends. At present, parents who work more than 16 hours a week, and earning less than £100,000 are entitled to 30 hours free childcare for children ages 3-4. This will be extended so that working parents of all children over 9 months will be entitled to 30 hours of childcare and this will be rolled out in a staggered approach, commencing in April 2024. This therefore emphasises the importance being placed upon childcare provision centrally in order to help more parents return to work. The Development Officer at HCC has also stated that 'long term, this planning application will support the government's ambitious childcare expansion plans for working parents'. Since the time the application was originally brought to committee, it is noted that free childcare has been extended for children aged over 9 months. Consequently, it is still considered that the redevelopment of Croxley House as proposed by this application would ensure that the service would be retained for the benefit of the community in accordance with the provisions of the NPPF.

7.1.11 In summary, it is considered that significant weight must be afforded to the fact that the site has been vacant for a considerable length of time, and that the building as existing is not fit for its purpose as care home. It is also noted that prospective buyers have raised concerns about the potential use of the building for a residential use because of its listed status and current condition. Indeed officers note that often the conversion of a house, particularly a listed house, can result in the original plan form being lost into discreet flats which does not preserve the significance of listed buildings. Whilst the loss of housing is acknowledged, Policy SA1 does allow for this where conversion to other uses is necessary to provide a small scale facility. In this case, the building has been vacant for two years, and it has been demonstrated that the provision of a nursery in this location would provide a service to residents of the district and the wider locality. The importance of such a service has been signalled by the Government in the 2023 budget and its announcement to extend free childcare provision from April 2024. Consequently, based on the site circumstances, it is considered that using the existing building as a nursery would outweigh the loss of dwellings, and the lawful use of the site as a care home particularly given it is highly unlikely that the existing building would be used as a care home in the future. Consequently, the principle of the proposed use is acceptable, subject to the relevant material planning considerations outlined below.

7.2 Impact on the Green Belt

7.2.1 The National Planning Policy Framework 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 Belts are their openness and their permanence. The National Planning Policy Framework sets out that Green Belt serves five purposes:

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

7.2.2 Paragraph 153 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- 7.2.3 The construction of new buildings in the Green Belt is considered inappropriate however Paragraph 154 sets out a number of exceptions to inappropriate development which include:
- 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.**
- 7.2.4 Paragraph 154 of the NPPF also advises that ‘other forms of development are also not inappropriate in the Green Belt provided they preserve openness and do not conflict with the purposes of including land in it’. This also includes engineering operations and the reuse of buildings provided that the buildings are of a permanent and substantial construction.
- 7.2.5 Core Strategy Policy CP11 sets out that the Council will maintain the general extent of Green Belt in the District and ‘will encourage appropriate positive use of the Green Belt and measures to improve environmental quality. There will be a 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. Development Management Policy DM2 notes that “As set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below”. Relevant to this current application is B) Extensions to buildings in the Green Belt which states that extensions which are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building’s proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account.
- 7.2.6 Policy DM2 of the Development Management Policies LDD also relates to ‘reuse- and conversion of buildings in the Green Belt. This sets out that the following:
- The Council will only support applications for the re-use/conversion of buildings in the Green Belt where:
- iv) the form, bulk and general design of the building is in keeping with the surroundings
 - ii) any proposal by way of alterations/extensions, parking/turning areas, modifications to access or landscaping does not have a significant adverse effect on the openness of the Green Belt and does not appear excessively prominent
 - iii) the scale of the proposed use is not likely to have a detrimental effect on the locality (e.g. by noise, smell or bringing heavy traffic into narrow lanes or involving uses not appropriate to the Green Belt or areas of open land)
 - iv) the building is suitable for reuse/conversion without extensive alteration, rebuilding and or extension
- 7.2.7 Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the NPPF are not materially different between the two. It is considered, accordingly, that Policy DM2 is in accordance with the NPPF and may be afforded weight.

- 7.2.8 In this case, it is considered that the proposed development can be considered under criteria 154 (g) of the NPPF which relates to the 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. In this case, the application site would be considered as previously developed land which is defined by the NPPF as:

Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.

In this case, the application site consists of a large two storey detached building and its associated curtilage which was most recently used as a care home. As such, it is officers view that the proposed development can be considered under exception 154 (G). In addition, alterations to the access road which shall be discussed below are considered as an engineering operation which is appropriate under paragraph 149 of the NPPF.

- 7.2.9 The proposed use: The applicant is seeking to change the use of Croxley House to a nursery accommodating 122 spaces. In this case, Croxley House is an existing Grade II Listed Building of substantial construction and consequently, it is considered in principle, the building is suitable for conversion to an alternative use. As set out in paragraph 7.2.6, Policy DM2 of the Development Management Policies LDD sets out a number of criteria for the conversion of buildings to be assessed against and these shall be discussed below:

- 7.2.10 With the exception of the extension which shall be discussed later, the main part of Croxley House would remain relatively unaltered externally. The main alterations to the existing building would include alterations to fenestration detail. In addition, there would be a focus on decluttering the site, through the removal of some of the existing outbuildings on the site, the removal of metal railings, the removal of a number of obsolete features fixed to the building and the rationalising of services and drainage runs. Such alterations are not considered to adversely affect the openness of the Green Belt and thus no objections are raised to these external alterations. The decluttering of the site through the removal of outbuildings is considered to be a benefit to the openness of the Green Belt and would enhance the visual amenities of the site. In addition, the plans include alterations to the existing eastern link, resulting in the removal of the existing stepped roof form and creation of a single flat roof form. This alteration would result in reduction in overall height, bulk and massing and is viewed to minimise harm to the Green Belt. As such, there would not be substantial harm to openness in this regard.

- 7.2.11 The proposed development would also include landscaping alterations in order to facilitate the nursery use. The garden to the south of the building would be altered to provide separate play spaces for children of different ages. The plans indicate that the area would generally consist of soft landscaping with additional planting adjacent to the southern boundary. In addition, some of the existing tarmac pathways within the existing garden area to the south would be removed, and further soft landscaping reinstated. These alterations would be considered appropriate and would not impact on the visual amenities or openness of the Green Belt. In order to provide separate play spaces, the plans do indicate the subdivision of the existing garden with 'demountable chestnut pale fencing' of modest height which would be softened with planting. Whilst it is acknowledged that the provision of new fencing would generally be considered inappropriate, its actual harm to the Green Belt is limited given it would be low level, would be dismountable, and would have an open appearance which would respond to the rural setting of the site. It would also be positioned within a well enclosed site. As such, officers do not consider this aspect of the proposed landscaping to result in substantial harm to openness in accordance with Paragraph 154 (G) of the NPPF.

- 7.2.12 In addition, the applicant is proposing to make alterations to the existing hard surfacing on site. This would include the removal of a number of pathways in and around the site which would be considered a benefit and an enhancement to the openness of the Green Belt.
- 7.2.13 Proposed Extension: The proposed development would also involve the demolition of an existing two storey extension located to the west of the building and its replacement with a two storey extension.
- 7.2.14 In terms of floor space, the existing extension to be demolished has a floor space of approximately 240square metres, whilst the proposed extension would have a floor space of approximately 246 square metres. The submitted Planning Statement also notes that the replacement extension will result in a minimal decrease in the overall building footprint from 711 square metres to 708 square metres. It is therefore acknowledged that the proposed replacement extension would not significantly increase the built form on the site. With regard to its siting, the proposed two storey extension would be located in a similar location to existing. It would be no wider than existing and therefore would not result in a further spread of development towards the access road in what is considered an open part of the site. Consequently, it is not considered that there would be increased harm in this regard. The plans also indicate that the extension would not project further forward than the existing front wall of the building when viewed from The Green. In contrast, the existing extension projects forward of the main building line at ground floor level and the Planning Statement notes that there is a very small reduction in the gross external footprint at ground floor level.
- 7.2.15 However, it is acknowledged, that the two storey extension would project further to the north of the site relative to the existing extension. As such, there would be a further spread of development to the north of the site. However, , it is not considered that this would result in substantial harm to openness given that proposed extension would not project beyond the building line of the deepest single storey element which is located to the other side of the building. As such, it is viewed that there would still some containment of built form to the north, and the development would not significantly encroach into the verdant setting to the north.
- 7.2.16 Turning to the appearance, the existing extension has a hipped roof form which steps down from the main roof form. In contrast, the proposed two storey extension would have a flat roof form which would be of lesser height; it is therefore considered that this has resulted in some reduction to the upper bulk and massing of the roof level. It is also noted that during the course the application, the originally proposed capping at roof level has been removed from the plans which creates a more subservient appearance. The design also includes a 'link' element which would be recessed from the main front and rear building line of the extension and the main building, this has the effect of further breaking up the visual massing and bulk of the built form, particularly when viewed from The Green.
- 7.2.17 It is therefore considered that the redevelopment of the site including the proposed extension would not result in substantial harm to the openness of the Green Belt taking into account the scale of the existing building including the existing extension.
- 7.2.18 The Car Park: The main car park would be sited on existing garden land located to the north of the existing host building. In addition, the plans include formalising existing hardstanding to the north of the building in order to facilitate drop off bays. The area of land in which the main car park would be sited would be largely free from built form with the exception of some low-key ancillary structures. The northern boundary of the site also adjoins open fields, and therefore the character of this area of the site and its surroundings are considered to be predominately open. The proposed car park would extend some 23.5m in depth into the garden land, and with its rectangular footprint would appear urbanising within this open and verdant setting. This harm would be exacerbated by the presence of parked vehicles which would also have a physical impact on openness. As such, it is considered that the proposed car park would result in a spread of urbanising development which would result in some spatial and visual harm. However, the site is contained when considering its

location immediately adjacent to Clarendon Lodge and its associated facilities and being bound by Little Green Lane. Whilst the rear boundary is more open, there is vegetation along the boundary which visually contains the site. In addition, the car park would be set within the landscaped setting with significant amounts of soft landscaping retained on the site. Furthermore, the applicant has put forward the proposals as a whole will result in the total area of impermeable and permeable surfaces decreasing from 2,617sqm to 1954sqm, a reduction of approximately 25%, although it is noted that some of this as a result of the removal of relatively low key pathways. It is therefore considered that there would be a moderate level of visual and spatial harm to openness of the Green Belt as a result of the proposed car park. However, given the context of the site, and the siting of the car park, it is not considered that the harm would be substantial in the context of Paragraph 154 (g) of the NPPF.

- 7.2.19 Alteration to access road: The existing building is served by a narrow access road which extends across the existing common. It is low key in its appearance, with no road markings, and does not have a visual impact at present on the openness of the Green Belt.
- 7.2.20 In order to serve the proposed use, the applicant is proposing to make alterations to the existing road, which would involve increasing its width from its existing maximum width of 4.1m to a maximum width of 4.5m, and undertaking resurfacing works. The alterations to the access road would constitute an engineering operation. Under paragraph 154 of the NPPF, such operations are considered to be an appropriate form of development so long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 7.2.21 The submitted plan demonstrates that the widening would be minimal when viewed in the wider context of The Green; and consequently, officers consider that the modest increase in width would not result in a spatial or visual impact to the openness of the Green Belt and consider that this alteration would not materially impact on the Green Belt in this location. Furthermore, whilst the road would be re-surfaced in order to ensure a suitable condition; it would not be formally marked in any way which would prevent the visual appearance of the road from being urbanised or unduly prominent within this semi-rural context. Given the minimal alterations, it is not considered that the visual appearance of the road would appear dissimilar to the existing situation. A condition could be attached to a consent to require full details of the proposed surfacing of the access road to be submitted prior to any works. As such, no objection is raised to the physical widening of the road from a Green Belt perspective. The proposed development is therefore considered to be acceptable and in accordance with paragraph 150 of the NPPF and Policy CP11 of the Core Strategy.
- 7.2.22 Use of the access road: As set out above, the alterations to the access road are required in order to facilitate the provision of two-way traffic to and from Croxley House and the adjacent care home. Whilst, no objection is raised to the physical alteration of the road, one must also consider whether the actual use of the road would result an impact to the openness of the Green Belt. Policy DM2 of the Development Management Policies sets out that the scale of a proposed use should not have a detrimental impact on the locality e.g., by bringing heavy traffic into narrow lanes or involving uses not appropriate to the Green Belt or areas of open land.
- 7.2.23 At the present time, the existing access only serves Clarendon Lodge, the new care home sited adjacent to Croxley House (due to the currently vacant status of the host building). However, it is noted that the implemented planning permission for Clarendon Lodge would have allowed for the use of the access road to serve both buildings as care homes. The Transport Statement does not set out the total trip generation for the authorised use of both buildings had the most recent planning permission been implemented in full (64 bed spaces). Instead, the Transport Statement only sets out the trip generation for the pre-existing 33 bed care home operating from Croxley House historically. Paragraph 5.5 of the submitted Transport Statement sets out *that 'the weekday trip generation associated with the existing 33 bed care home should only generate approximately 68 vehicle two way trips*

a day of which less than 5 vehicles two way trips would be generated during the AM peak and 4 vehicle two-way trips during the PM Peak'. However, as set out, the actual trip generation associated with 64 beds operating across both sites would be increased relative to the above figures.

- 7.2.24 The Transport Statement notes that the trip generation associated with a nursery would be increased relative to the lawful use of the site as a care home. Paragraph 5.10 of the Transport Statement notes that the weekday trip generation association is therefore anticipated to generate approximately 237 vehicle movements of which 40 would be generated during the AM Peak and 30 in the PM Peak. Paragraph 5.11 of the Transport Statement goes on to say that *'over the course of the period analysed from 0700-20.00 there is a total increase of 173 vehicle movements, this equates to an average increase of 13 vehicle movements an hour'*.
- 7.2.25 Based on the above, it is therefore acknowledged that there would be a significant intensification of use of the access road. However, it is considered that the impact on the Green Belt would be minimised by the nature of the proposed use of the site. The nature of the use of the building as a nursery means that whilst vehicle movements would be significantly intensified at certain peak times of the day, the use of the access road would be minimal at other points during the day, with no use of the road to facilitate the nursery use after staff had left for the day. Furthermore, the nursery would not operate at the weekend, which means that there would be no vehicle movements associated with the use for two days of the week. It is therefore acknowledged that whilst there would be an intensification of use, given the nature of the intensification, it is not considered that this would result in significant adverse harm to the openness of the Green Belt.
- 7.2.26 Summary: In summary, Croxley House is considered to be a previously developed site within the Green Belt which currently contains a large two storey building. The site is currently vacant and has been most recently used as a Care Home. It is acknowledged that the proposed development including the extension, car park and increase in activity by reason of the proposed use would result in some harm to the openness of the Green Belt. However, as set out above, it is considered that given the existing site circumstances including the existing scale of the development, its siting and contained nature of the site, that the proposed development would not result in substantial harm to openness which is the test set out under paragraph 154 (g) of the NPPF. As such, the proposed development is considered to be an appropriate form of development and in accordance with Paragraph 154 (g) of the NPPF. In addition, the alterations to the access road are also considered to be appropriate and would be in accordance with the provisions of paragraph 154 of the NPPF/

7.3 Impact on Heritage Assets.

- 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 host building is a Grade II Listed Building and also located within the Croxley Green Conservation Area and as such Policy DM3 of the Development Management Policies LDD is relevant. With regard to Listed Buildings, it advises;

The Council will preserve the District's Listed Buildings and will only support applications where:

i) The extension/alteration would not adversely affect its character as a building of special architectural or historic interest both internally or externally or its wider setting

ii) any change of use would preserve its character as a building of special architectural or historic interest and ensure its continued use/viability.

7.3.3 With regard to Conservation Areas, Policy DM3 of the Development Management Policies LDD, advises that development will only be permitted where:

i) is of a design and scale that preserves or enhances the character or appearance of the area

ii) Uses building materials, finishes, including those for features such as walls, railings, gates and hard surfacing, that are appropriate to the local context

iii) Retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including gardens, roadside banks and verges

iv) Retains and restores, where relevant, traditional features such as shop fronts, walls, railings, paved surfaces and street furniture, and improves the condition of structures worthy of retention

v) Does not harm important views into, out of or within the Conservation area

vi) Protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the character and appearance of the Conservation Area

vii) Results, where relevant, in the removal of unsympathetic features and the restoration or reinstatement of missing features.

7.3.4 The Croxley Green Conservation Area Appraisal is also relevant and sets out the following with regard to Croxley House:

'Opposite Killingdown Farmhouse stands the grand grade II listed late eighteenth century Croxley House. This substantial red brick house has a powerful presence at the north end of Section C and the whole area. In the recent past, Croxley House has been extended using appropriate materials. However, the wall which surround the entire house and estate, being not only an integral part of the Conservation Area but also the curtilage of a Listed Building, has been allowed to deteriorate and decay and is now in an appalling condition.....

In the grounds of Croxley House stands an important Grade II listed well house, complete with its original winding gear. Opposite the well house, and possibly part of an original farm stands an unlisted barn with visible timber framing. This barn is sadly at risk, a portion of having already collapsed at the time of writing'.

7.3.5 The Croxley Green Neighbourhood Plan also refers to Croxley House as dominating the northern end of The Green.

7.3.6 Proposed Extension: The proposed development includes the replacement of an existing two storey extension which derives from the late twentieth century. It is set over two stories and is of red brick construction with a hipped roof form. This extension is located to the west of the existing building, adjacent to the existing access road and is highly visible in long views from The Green. It is acknowledged that the existing extension has a poor and awkward relationship with the form of the original building and arguably detracts from the appearance of the Listed Building. As such, the Conservation Officer has raised no objection to its demolition and the principle of a replacement extension in the same location subject to an appropriate design.

7.3.7 The proposed two storey extension would also be located to the west of the building and is referred to as the 'Western Pavilion', with the applicant seeking a contemporary approach

to its design. The proposed extension would have a flat roof form and would be linked to the main body of Croxley House by a two storey glazed 'link' element. The Conservation Officer has raised no objection to the principle of a contemporary design approach, however, did raise an objection to the original plans, considering that the increased height, depth, roof detailing and fenestration detail would result in a more bulky and prominent extension. The extension was considered to be excessively deep, with the bulk being further exacerbated by its overall height. The proposed roof capping indicated on the original drawings was considered to add further unnecessary bulk to the extension, thereby increasing its prominence. The height of the extension was indicated as sitting above the height of the eaves of the existing host building, which resulted in the extension as having an awkward appearance.

- 7.3.8 Furthermore, the glazed 'link' was also considered to be a prominent addition by reason of its depth, height, width and design. The 'link' failed to appear as a discrete addition, and failed to function as ancillary link between the extension and host building. Rather than appearing as a subservient addition to the Listed Building, the extension as originally proposed was viewed to have a competing and prominent appearance. The proposed development therefore was viewed to adversely affect the special character of the Grade II Listed Building and would have undermined its significance, contrary to Policy DM3 of the Development Management Policies LDD. Furthermore, as already highlighted, the existing host building dominates the northern end of The Green and this area of the Croxley Green Conservation Area, with the western and southern elevations in particular being prominent from a number of long range view points. Consequently, for the reasons highlighted, it was considered that the proposed development would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Policy DM3 of the Development Management Policies LDD.
- 7.3.9 In response, an initial set of amended plans were received in July 2023. The amendments included the reduction in the depth of the glazed 'link', the removal of the roof capping and alterations to the proposed fenestration detail within the extension. However, the Conservation Officer continued to raise objections, stating that the extension would still be a more bulky addition. In addition, the Conservation Officer raised concerns in relation to the fenestration detail, stating that the windows within the extension would be larger than the host building; therefore the wall to glazing ratio proposed resulted in a poor relationship with the host building. With regard to the amendments to the 'link'; the Conservation Officer considers that it fails to function in this way due to its excessive height, width and its thick framing. It would fail to appear as a discrete structure, and whilst the reduction in depth is noted, it is not considered that this in itself addresses the concerns in relation to its overall height, width and its relationship with the existing building. Furthermore, it was considered that the scale of the link as currently proposed coupled with the large extent of glazing further exacerbates the visual prominence of the extension.
- 7.3.10 Following further discussions with officers, the applicant submitted further amendments in October 2023. The fenestration detail within the extension has been further revised, such that the width of the proposed windows within the main extension would match the width of the window openings in the original building. The location of the door has also been sited centrally such that it mirrors the central door in the existing eastern extension. In addition, the fenestration within the proposed 'link' has been reduced in scale. For both the northern and southern elevations, the link would be divided into four equal bays, with the flanking bay consisting of solid timber panels, with a solid timber cill added at ground floor level.
- 7.3.11 The removal of the roof capping as originally proposed has resulted in a reduction in bulk and results in the roof form being read to be more in line with the eaves of the existing building. Furthermore, the proposed building line of the southern elevation would project no further forward than the main southern building line, which is viewed to be an enhancement relative to the existing situation where the existing extension projects forwards, and sits awkwardly against the existing host building. Whilst it is acknowledged that the existing main projecting element is at ground floor level only, this still results in an unsightly and

awkward relationship with the existing host building and is also visible from within the wider Conservation Area. The proposed extension should also be viewed in conjunction with other external alterations to the southern elevation. The applicant is proposing to remove the existing stepped roof form over the existing 'late Victorian addition' to the east of the building and a linear flat roof form would be created. Consequently, this creates a more balanced appearance to the building and emphasises the original core of the host building.

- 7.3.12 The revised fenestration detail would appear more modern, however, would reflect the widths of the existing openings within the building, such that the visual appearance would not compete with the detailing of the existing Listed Building. With regard to the proposed link, it is acknowledged that the Conservation Officer has raised concerns regarding a two storey addition in this location, however, officers consider that its visual impact would be minimised given it would be of lower height than the main body of the extension and would be of reduced depth and would be recessed such that it would not be viewed to be competing with the Listed Building. Furthermore, the reduced extent of glazing and the addition of timber panels, would further reduce its visual prominence and it is officers view that it would appear more discrete. It is therefore considered that the proposed amendments have overcome concerns, and it is not considered that the proposed development would significantly adversely impact on the visual appearance of the Listed Building and would conserve the character and appearance of the Croxley Green Conservation Area. A condition shall be attached to any consent requiring full details of external materials to be submitted and approved in writing.
- 7.3.13 External Alterations: Alterations to fenestration detail are proposed as part of the application. Windows make an important contribution to significance of a listed building. Whilst some windows may not be original, they may still be historic and contemporary to various construction phases of the listed building. They are therefore of architectural and archaeological interest and contribute positively to the significance of the listed building. As per best practice guidance set out by Historic England, there is always a preference to repair windows that contribute to the character of the listed building over replacement.
- 7.3.14 The original plans proposed alterations to glazing within the 19th century extension. The Conservation Officer raised objections to this, considering that it was overly modern and did not reflect the character of the host dwelling. This aspect of the proposal has now been omitted and thus no objections are raised in this regard. Likewise no objections are raised to the alterations to the eastern, late Victorian and interwar extensions, with the removal of modern windows in the ground floor northern elevation raising no objections. However, the plans still include the proposal to lower cill heights within the later extended wings, and the Conservation Officer considers that this would still result in the unnecessary loss of historic fabric. In response, the applicant has stated that the intention is to salvage the bricks so that they can be used to block the up the non original window in the northern elevation. The blocking of the window is considered to be an enhancement as it will enhance the appearance of the building elsewhere. As such, it is not considered that the proposal would result in significant harm due to a further heritage benefit to the external appearance of the building.
- 7.3.15 Other external alterations include the removal of railings associated with the previous use of the site. There is a heritage benefit in this regard as it results in the removal of visual clutter around the building which at present detract from the setting of the Listed Building and the visual amenities of the Conservation Area. The submitted Design and Access Statement Addendum Document (October 2023) also highlights that over time, the existing building has accumulated varying components fixed to the façade, including rainwater pipes, soil vent pipes, external lights and two concrete access hatches to the basement. It is acknowledged that the piecemeal nature of these additions results in a cluttered appearance which further detracts from the appearance of the Listed Building. The removal of these obsolete features and rationalising services and drainage runs would allow historic features such as the existing bow window to become unobstructed. These alterations would

therefore enhance the character and appearance of the Listed Building and must therefore be viewed as a further benefit of the proposal.

- 7.3.16 In addition, the proposals also include the replacement of existing steps and ramps. The existing are acknowledged to be unsympathetic additions, however, the Conservation Officer has objected to their replacements considering that these would be visually prominent due to their scale and their siting as abutting the existing building. However, whilst the concerns are acknowledged, officers consider that the proposal would still result in a reduction in visual clutter to the building itself and across the site. Officers consider that the provision of steps to the northern and southern elevations of the building would not significantly detract from the character and appearance of the Listed Building and that this would still represent an enhancement relative to the existing appearance of the building.
- 7.3.17 Internal Alterations: The former use of the building as a care home has resulted in unsympathetic internal alterations of the Listed Building to facilitate the use. As such, the removal of modern partitions within the building is welcomed and viewed as an enhancement to the building. However, the original comments received note that the derivation of the ground floor wall where a platform lift would be inserted has not been determined. In addition, the Conservation Officer notes that the plans also now include the removal of additional fabric at ground and first floor level to provide a wider entrance into the proposed extension. In response, the October 2023 addendum to the Design and Access Statement advises that this area has been partially opened by removing the render to expose the underlying brickwork. This has revealed a patchwork of older brick, modern brick and infilled openings- where historic brickwork survives, it is damaged and incomplete. As such, it is officer's view that it would be unreasonable to object to the proposed changes in this regard. In addition, some concerns were raised with regard to chimney breasts being covered over as a result of some of the internal changes. The Addendum to the Design and Access Statement October 2023, specifies that the chimney breasts would not be covered over.
- 7.3.18 With regard to internal alterations, the Conservation Officer notes there would be a preference to remove the lobby area to the staff room at first floor level. In response to this, the applicant has advised the following:
- 'This once large room has been subdivided and compartmentalised into seven different rooms, including Three WCs and two bedrooms as well as a corridor. The proposal is to removal all of this, aside from one small entrance lobby. In heritage terms, this is a material enhancement.*
- The proposed staff room at first floor level is located above the primary heritage room and three existing risers required to access this room. A door is required for this space for the purpose of fire safety and to allow the space to be private for staff. As a consequence, a lobby is required at the top of the stairs. This small lobby does not impact the internal elevation where the windows are located and thus the room can still be read as a whole'.*
- 7.3.19 Officers consider that the removal of a number of existing partition walls to open up the majority of the room would be an enhancement relative to the existing situation and the justification for this is noted. As such, it is not considered reasonable to object to this element of the proposal.
- 7.3.20 Landscaping: Policy DM3 of the Development Management Policies LDD requires development to 'protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the character and appearance of the Conservation Area. The main landscaping alterations would include the provision of a car park to the north of the building. This area currently functions as a garden, and forms part of the setting of the Listed Building. The Conservation Officer notes that the proposal would result in the loss of verdant landscaping within the immediate setting of the building and as such there would be a preference for a reduction in the amount of hardstanding, although the

comments received acknowledge that the layout of the car parking has been dictated by the location of the existing trees. As such, the Conservation Officer has confirmed that the car parking may be considered acceptable depending on the surface treatment, and that less formalised bays would be preferred. In response, the applicant has advised that the bays would be marked by low key red pavements, surrounded by landscaping. In addition, they have advised that it would not be practical for parking bays to be unmarked, however, that it may be possible to soften the markings of the bays further so that they would appear less formal. In summary, subject to a condition to provide further details of the surfacing of the car park and its markings, it is not considered that the car park would result in significant demonstrable harm to the setting of the Listed Building to justify refusal.

- 7.3.21 With regard to the access road, the Conservation Officer considers that there is an opportunity to improve the appearance of the access track which is considered to be in a poor state of repair. The original comments received from the Conservation Officer raised concerns in relation to the widening of the access track given that this would not guarantee that vehicles would not encroach onto The Green. However, the Conservation Officer does acknowledge that the widening of the access road would be minimal and as such, it is officer's views that the physical widening of the road would not have any material impact on the character of Conservation Area. In addition, it is acknowledged that the use of the building as a nursery would result in an increased use of the access road. However, as already set out, the peaks in traffic would be contained to certain times of the day and there would be no use at the weekends or in the evenings when the nursery would be closed. It is therefore acknowledged that whilst there would be an intensification of use of the access road, given the nature of the use of the building, it is not considered that this would result in detrimental harm to the character and appearance of the Conservation Area and therefore on balance, no objections are raised in this regard.
- 7.3.22 Reinstatement of the boundary wall: The boundary of Croxley House consists of a historic brick wall. Certain parts of the wall are in a poor state of repair, and as such, the submitted Design and Access Statement proposes works to two areas of the wall within the application site and the applicant's control, referred to as Section A and Section B. Section A consists of an area at the site entrance where the wall is leaning and is currently fenced off in the interests of safety. Section B consists of an area to the east of the site where certain areas of the wall are part collapsed and in a poor state of repair. The works would therefore involve works to repair and restore the brick wall to its original form using reclaimed bricks, and matching mortar. This is viewed positively and would contribute positively to the visual amenities of the Conservation Area and to the setting of the Grade II Listed Building. It is considered that full details of any new brick work and of the mortar mix can be secured via condition.
- 7.3.23 Summary: Paragraph 210 of the NPPF states that '*in determining applications, local planning authorities should take account of:*
- *The desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable uses consistent with their conservation;*
 - *The positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality and*
 - *The desirability of new development making a positive contribution to local character and distinctiveness*
- 7.3.24 Croxley House is currently vacant and is in need of maintenance and repair works. The redevelopment for use as a nursery (which is already an established business) would secure and safeguard the viability and future of the Listed Building and would ensure that it continues to contribute positively to the Conservation Area. Significant weight should be attached to putting the building to a viable use and to maintaining the building for the future. Furthermore, in accordance with (b) of Paragraph 210 of the NPPF, it is considered that the use of the building as a nursery would ensure that the Heritage Asset is able to make a

positive contribution to a sustainable community including their economic vitality (as set out economic benefits of an approval on this site would be job creation and in addition assisting parents in returning to their workplace)

- 7.3.25 The proposed development would involve the replacement of an existing two storey extension. No objection is raised to the demolition of this extension as it is not considered to enhance the appearance of the building for the reasons set out above. Whilst the Conservation Officer has raised no objections to a contemporary form of design, concerns were raised with regard to the bulk, massing and visual appearance of the extension with particular reference to the fenestration detail. The October 2023 amendments to the scheme are considered to address the concerns raised, by reducing the bulk of the extension and ensuring that the fenestration detail aligns more closely with that in the original building. In addition, the scheme also would result in significant enhancements to the building including the removal of unsightly railings and ramps within the grounds of Croxley House. The plans would also result in the removal of a number of obsolete features across the elevations of Croxley House and the rationalising services and drainage runs. The above are all viewed to be enhancements and would weigh in favour of the scheme. In addition, the amended plans indicate the rationalisation of the stepped roof form to the existing link to the eastern extension which is viewed positively.
- 7.3.26 With regard to the landscaping alterations, officers do not consider that the alterations to the access road would materially change the physical appearance of the track and its relationship with the wider Conservation Area or the host building. Furthermore, due to the nature of the proposed use as a nursery, whilst there would be some intensification of use during certain times of the day, for significant times of the week, the use in comparison to existing use as a care home would not materially increase to a significant degree. As such, it is not considered that the increase in traffic movements would have an urbanising impact on the Conservation Area.
- 7.3.27 It is therefore considered that the proposals when viewed in their totality would preserve the character and appearance of the Grade II Listed Building and the character and appearance of the wider Conservation Area. The development is therefore considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM3 of the Development Management Policies LDD.

7.4 Impact on amenity of neighbours

- 7.4.1 Policy CP12 of the Development Management Policies LDD sets out that the development should not result in loss of residential amenity to neighbouring dwellings and should not result in a loss of light or be overbearing.
- 7.4.2 The development would result in a material change of use of the existing building, through the provision of a 122 place nursery. It is acknowledged therefore, that this would result in an intensification of use of the site by reason of increased comings and goings from the site during the week and through the increased use of the building and associated outside spaces to the north and south of the buildings. The nearest neighbour to the site, is located to the west and is the existing care home known as Clarendon House. Policy DM9 of the Development states that *'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'*.
- 7.4.3 Due to the adjacent noise sensitive use, an environmental noise assessment has been submitted with the application. This concludes that the noise levels arising from the proposed use is unlikely to be significant. Any increase in the ambient noise levels would also be minimised as the eastern part of Clarendon Lodge contains ancillary support facilities including the reception and office. In addition, the external amenity space serving

the building is located within a central enclosed courtyard with adequate screening which further minimises harm to the enjoyment of this neighbouring amenity area. The Environmental Health Officer has been consulted and has confirmed that no objections are raised to the proposed development. In addition, a condition shall be attached to any consent, requiring details of any additional plant and machinery associated with the development to be approved in writing by the LPA.

- 7.4.4 It is acknowledged that the proposed development would result in increased vehicular movements to and from the site. However, the generation in traffic in itself would not result in harm to residential amenity. Whilst there would be increased vehicular movements in the morning and evening, the latest pick-up time would be 7pm which would also minimise impacts on adjacent residents. In addition, there would be limited vehicular movements at the weekend given that the nursery would be a use operating Monday to Friday only. A condition shall be attached to any planning permission which would restrict the opening days/and hours of use of the nursery.
- 7.4.5 It is noted that to facilitate the development, the existing extension to the west of the building would be demolished and replaced with a new two storey extension. Due to the existing access road, it is not considered that the development would result in any increased harm to Clarendon Lodge relative to the existing situation. Due to the siting of Croxley House, it is also not considered that any other nearby residents would be affected by the proposed development.
- 7.4.6 In summary, it is not considered that the proposed development would result in harm to the residential amenity of nearby residents. The proposed development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

7.5 Highways

- 7.5.1 Access: 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 116 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 The site is served by an existing driveway accessed from The Green; and it is proposed to widen this as part of the works to a maximum proposed width of 4.5m. Herts Highways advised in their initial comments that the preferred width to allow the passing of two way traffic would be 4.8m, as this would ensure that vehicles would not encroach onto the adjacent common land. In response, the applicant has advised that 4.5m would be the limit for widening works to ensure minimum works to the adjacent common land. A swept path analysis has been provided which demonstrates the ability for two small vehicles to pass one another on the access road. The Highways Officer continues to note that due to the increase in trip numbers, there would be some likely overrunning of vehicles onto the common, however, the Highways Officer also notes that given this is not highway land, a width of 4.5m would be technically plausible according to the Manual for Streets and thus Herts Highways would not maintain refusal on this issue. Officers also consider that given vehicles would be able to pass one another on the access road, it would not be reasonable to maintain refusal on this ground.
- 7.5.3 The Highways Officer acknowledges that the proposed use would generate a significant increase in trip numbers in comparison to the existing lawful use of the building as a care home. However, the Highways Officer also emphasises as per paragraph 111 of the NPPF, refusal can only be recommended where there would 'be an unacceptable impact on highway safety', or the residual cumulative impacts on the road network would be 'severe'. Whilst the Highways Officer acknowledges that the trip rates during the AM and PM peaks

would increase by a substantial number, this would not be severe and thus would not generate a highways reason for refusal. Furthermore, officers also note that at other times of the day, and at the weekends, there would be more limited vehicle movements from the site.

- 7.5.4 During the course of the application, TRDC Property Services as landowner have raised concern regarding the safety of the access and whether there is adequate visibility from the access road. In response to this issue, Herts Highways note that there would be no alterations to the access which would impact upon the visibility splays. Due to the location of the access through common land, it is considered that there is ample visibility available in all directions. As such, the proposal is acceptable and in accordance with Policy CP10 of the Core Strategy in this regard.
- 7.5.5 A Travel Plan has been submitted to support the promotion and maximisation of sustainable travel options to and from the site. At the time of the original report to committee, the Highways Officer considered that this was generally acceptable for this stage of the application, however, a full travel plan would need to be updated and secured via a S106 Agreement. This would be required to be in place from first occupation of the bursary until 5 years post occupation. The Highways Officer has advised that a £1,200 per annum index RPI March 2014 Evaluation and Support fee should be secured via the S106 agreement in accordance with HCC Travel Plan Guidance. Since the time of the original committee resolution to grant, the applicant has been seeking to progress and complete a S106 agreement in respect of the Travel Plan and the associated monitoring contributions. However, a significant length of time has passed and the applicant has been unable to complete the S106 agreement and it is understood that this is due to issues with the landowner. Consequently, in view of this, officers have had further discussions with HCC regarding the requirement for a S106 agreement. HCC have reviewed the application and whilst a S106 agreement would be the preferred mechanism for securing this, they confirmed that they would not be able to defend a reason for refusal in relation to the failure to complete a S106 agreement. They consider that the provision of a Travel Plan can be secured via a condition with details to be submitted to HCC for consideration. This would therefore still enable the promotion and maximisation of sustainable travel options to and from the site and officers consider that this would be an acceptable solution.
- 7.5.6 The Highways Officer has raised no objection to the proposed pedestrian access at the south east corner of the site. The new access would link to an informal footway on the Green which would then connect to a new crossing point to the adjacent Killingdown Farm site. With regard to the internal access pathways, the Highways Officer initially noted that a 2m wide pathway would be recommended to ensure that two buggies could pass one another, however, 1.5m would be the minimum recommended. In response, the applicant has confirmed that the pathway would be 1.5m wide and thus this is viewed as acceptable
- 7.5.7 In summary, the Highways Officer has raised no objection to the development, and although acknowledges that there would be a substantial increase in trip numbers at certain times of the day, this would not result in any severe impact to the highway network. Furthermore, the existing access to The Green from the site would not be altered, and there is ample and safe visibility. The adequate visibility from the site has been confirmed by the Highways Officer. Whilst it would be preferable for the existing driveway to be increased to a width of 4.8m, a width of 4.5m would still allow vehicles to pass. It is acknowledged that the Highways Officer notes that there would still be likely overrunning of vehicles on to common land in certain instances, however, this is the case at present. The increase in width and the condition of the driveway would be improved which would be a benefit. Officers therefore consider that it would be unreasonable to refuse planning permission on this basis. The development is therefore considered acceptable and in accordance with the provisions of the NPPF and Policy CP10 of the Core Strategy.

7.6 Car Parking

- 7.6.1 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.
- 7.6.2 As noted previously, the development would result in the creation of a 122 space nursery, thus generating the requirement for 30.5 car parking spaces. The submitted plans indicate that there would be a total of 25 spaces provided on site, which would be provided through the creation of a new car park to the north of the building. The proposals would therefore result in a shortfall of 5.5 car parking spaces contrary to Policy DM13 and Appendix 5 of the Development Management Policies LDD. In terms of their allocation, the submitted Planning Statement specifies that 17 of the spaces would be allocated for staff use, with a further 8 spaces allocated as drop off/collection spaces.
- 7.6.3 The Planning Statement seeks to provide justification for the proposed level of parking, setting out that proposed parking level has been informed by parking surveys at their other local nursery sites, at both Croxley Business Park and in Rickmansworth. It is noted that the Croxley Green site currently has a total of 27 spaces, and across the two days surveyed the maximum stress was 52% (14 cars parked). At the Rickmansworth site, there are 20 spaces, and the parking stress was 90% (18 cars parked). Paragraph 7.1.20 of the Planning Statement sets out that following:
- 'When factoring in the capacity of the surveyed nurseries, the survey suggests that the peak demand at the application site could be up to 25 spaces, as a worst case. Therefore, the provision of 25 spaces is considered adequate to ensure that all parking associated with the use can be accommodated on site'.*
- 7.6.4 In addition, paragraph 7.1.22 of the Planning Statement provides justification for the 8 drop off spaces provided, stating the following:
- 'The provision of 8 drop off and collection bays will be sufficient to accommodate up to 48 drop offs/collections per hour, based on an average turnaround time/duration of stay on site of 10 minutes (which is considered generous based on the operator's experience). This is well in excess of the anticipated peak hour demand, which is 23 vehicles, including staff. As a sensitivity test, if we were to assume 15 minutes for drop off/collection, the 8 bays could accommodate 32 cars per hour, therefore the 8 bays would still be more than required in order to accommodate drop off and collection activity'.*
- 7.6.5 At paragraph 7.1.21, the applicant also refers to the zonal reduction in parking standards as outlined in Appendix 5 of the Development Management Policies LDD. Policy DM13 states that the standards for car parking (except for C3 Residential) may be adjusted according to which zone the proposed development is located in. In this case, the application site is located outside of any of the defined parking zones. However, the applicant considers that given the site is directly adjacent to parking zone 3, the parking requirement can be adjusted to 50-75% of the demand. This would therefore result in a reduced number of spaces of 16-23 spaces, with the proposed parking being proposed at 25. In addition, the applicant states that the site of the nursery is better located in relation to the catchment area of the nursery that it would replace. As such, there would be the possibility that some children in close proximity to Croxley House would arrive and leave on foot. It is noted that a car parking management plan has also been provided which sets out a number of measures to ensure that parents and staff are aware of parking arrangements and details of the nursery travel plan which would also discourage car use.
- 7.6.6 Taking all of the above into consideration, officers are of the view that the applicant has provided significant evidence as to why the parking levels proposed including the number of drop off bays would be appropriate for the use of the site. It is also acknowledged that a zonal reduction was applied in determining the appropriate parking level for the new care

home under application 14/2141/FUL, it is therefore considered that it would be reasonable to take into account the zonal reduction at the current time. As such, on balance, the proposed car parking provision is considered to be acceptable and in accordance with Policy CP12 of the Core Strategy and Policy DM13 and Appendix 5 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.
- 7.7.3 The Ecology Officer notes that the application is supported by a comprehensive ecological report. It is noted that the majority of trees would be retained on site, although 3 trees are proposed for removal and this loss should be compensated. The submitted Landscape Plan indicates the replacement and enhancement of native species planting, extension of the broadleaved woodland, and creation of an orchard. The Ecology Officer notes all of the above are welcomed.
- 7.7.4 The open grassland (the Green) directly to the south of the site is designated as a non-statutory Local Wildlife Site for its neutral and acidic grassland interest. The grassland supports some scarce and locally uncommon species; however, the main interest that supports the most important plants is in the triangular centre of this extensive site, some 140m from the application site. As part of the current application, the existing access road would be widened. The Ecology Officer notes that the existing LWS grassland at the road are compacted and degraded. Consequently, the loss of approximately 0.044% of the grassland in this location to be minimal and of little concern. Notwithstanding this, concerns are raised in relation to how much of the grassland will be impacted upon during the works by construction vehicles and storage of materials. Details relating to compensation/mitigation for any loss or damage are not provided at this stage. The Ecology Officer has suggested that this could be secured via a condition requiring an Environmental Management Plan to be submitted prior to the commencement of development.
- 7.7.5 It is noted from the submitted information, that bats have been confirmed to be roosting in the existing building and therefore a licence will be required from Natural England to proceed with any works. The Ecology Officer has advised that confirmation of a valid licence from Natural England should be secured via a condition. In addition, it is suggested that an Ecological Management Plan should be submitted in order to secure ecological enhancements and management of the site for the future.
- 7.7.6 The Ecology Officer has also noted that the report demonstrates a least 10% biodiversity net gain for both area (habitat) and linear (hedgerow) uplift. Whilst it is acknowledged that this is not yet mandatory, the measures are welcomed and this net gain can be secured through the suggested Ecological Management Plan. It is noted that since the time of the original application, the requirement to secure a 10% Biodiversity Net Gain on certain types of applications is now mandatory. However, as the current applications pre-date, this requirement, BNG is not applicable.
- 7.7.7 In summary, subject to conditions, it is not considered that the development would not result in any harm to any protected species or the adjacent Local Wildlife Site. The development

is considered acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.8 Trees and Landscaping

- 7.8.1 Policy DM6 of the Development Management Policies LDD advises that ‘proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate’
- 7.8.2 The Landscape Officer has not raised an objection in respect of direct damage to trees which could result from the development. However, the Landscape Officer has raised objections noting that due to the presence of mature trees on site, the areas for drop off and pick up would be limited which could lead to over spill parking in unauthorised areas. The Landscape Officer notes that this raises concerns regarding potential damage to mature trees on site, in particular the prominent Cedar trees on site, due to additional encroachment into root protection areas. This may also result in future applications for further on site parking. The applicant has responded to these concerns noting that the frequency of traffic would not be high flow in terms of road usage, and advises that the proposed parking is sufficient to accommodate the demand for parking on site.
- 7.8.3 In response to these concerns, and as set out above, officers do consider that there would be sufficient on site car parking provision for the proposed use and thus there should not be overspill into unauthorised areas. It is considered that it would be unreasonable to refuse planning permission on the basis of what may occur in the future. It would be speculative to assume that there would be unauthorised parking on other areas of the site and within the wider vicinity. In addition, the applicant has noted in their response to the Landscape Officer’s comments, that the landscape proposals have been designed to include physical measures (such as additional planting around the car parking bays) to ensure that vehicles cannot further encroach into the landscaped setting of the site.
- 7.8.4 With regard to the landscape setting of The Green, the Landscape Officer raises concerns that the widening and formalising of the access road (including the provision of curbing and road markings) would have an urbanising impact and therefore some landscape impact to The Green and its character. In response to these concerns, officers consider that the widening of the access road would be minimal and it is not considered that this would result in a significant urbanising impact or spread of development into the landscape. Furthermore, the applicant has clarified that there will be no curbing or road markings, and thus the existing access would not be formalised. As such, officers consider that there would be limited impact on the landscape.
- 7.8.5 With regard to the pedestrian access, the applicant has also confirmed that no surface or level improvements to the existing informal path on The Green is proposed. The proposal for a pedestrian access to the site are contained within the red line of the site. The Landscape Officer has reviewed the additional information submitted by the applicant and has raised concerns that given there would be no surface level improvements in this area, that pedestrian access would be undesirable during increment weather conditions. This would lead to more drop off and pick ups by car. Officers again emphasise that there is deemed to be reasonable on site parking to accommodate the proposed use and it would be unreasonable to refuse planning permission on the basis of what could occur in the future.
- 7.8.6 In summary, whilst it is acknowledged that the Landscape Officer continues to raise concerns regarding impact to the trees due to concerns relating to parking, and access, officers consider that it would be unreasonable to refuse planning permission based on speculation. The Landscape Officer has advised that if permission is granted then this should be subject to conditions, including a detailed tree protection method statement and

detailed landscaping plans. In addition, the Landscape Officers considers that there should be a specific condition relating to arboricultural supervision during key stages of development to ensure that trees on site are sufficiently protected. The proposed development is therefore considered to be acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.9 Contamination and Pollution

7.9.1 Policy DM9 relates to contamination and pollution control and states the following:

The Council will only grant planning permission for development, on or near to former landfill sites or on land which is suspected to be contaminated where the Council is satisfied that:

- i) There will be no threat to the health of future users or occupiers of the site or neighbouring land; and*
- ii) There will be no adverse impact on the quality of local groundwater or surface water quality.*

7.9.2 An Air Quality Assessment has been submitted as part of the application which includes an assessment of construction phase impacts. Mitigation measures have also been recommended to minimise emissions. The Environmental Health Officer notes that with the implementation of these measures, the impact of construction phase dust emissions is not considered significant.

7.9.3 The Environmental Health Officer notes that the predicted trip generation for the proposed development does not exceed the relevant screening criteria for a development outside of an AQMA, therefore dispersal modelling was not undertaken. The Environmental Health Officer does not consider that air quality impacts as a result of additional traffic emissions associated with the site as significant. A condition has been suggested requiring the submission of a dust management plan which incorporates recommended mitigation measures detailed in Table 5.5 and Table 5.6 of the Air Quality Assessment should be submitted prior to the commencement of development.

7.9.4 With regard to contamination, the site does not appear to have had any previously contaminative uses and thus no objections are raised in this regard. A condition has been suggested which requires the reporting of any unexpected contamination.

7.9.5 In summary, subject to conditions, no objections are raised in relation to contamination and pollution control. The development is considered in accordance with Policy DM9 of the Development Management Policies LDD (July 2013).

7.10 Energy Use:

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

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

- 7.10.3 The applicant has submitted an Energy Statement; this sets out that the existing building is Grade II Listed and consequently, there are limitations on improvements works that can be undertaken. The submitted Energy Statement proposes a range of measures including; the provision of low energy light fittings, replacement windows and the provision of a VRF heat pump. The conclusion indicates that the development will achieve a 77% reduction in CO2 emissions, which exceeds the target of 5% set out in Policy DM4 of the Development Management Policies LDD. During the course of the current application, the Conservation Officer raised an objection in relation to the provision of replacement windows due to the impact on the Grade II Listed Building. As such, the proposals have been revised to include the provision of secondary glazing to minimise the harm. A further statement has therefore been submitted by the applicant stating that the proposed change would not have a significant impact on the proposed development from complying with the above standards and a reduction of 76% is still proposed.
- 7.10.4 Were the development to be considered acceptable, a condition shall be added to any consent, requiring the development to be undertaken in accordance with the Energy Statement.
- 7.10.5 It is noted that the block plan indicates the location of the VRF heat pump which would be housed in a timber enclosure. No objections are raised to this in principle, however, full details of the appearance of the store shall be secured by condition.
- 7.11 Flood Risk and Drainage
- 7.11.1 Policy CP1 of the Core Strategy recognises that taking into account the need to avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example flood resistant design. Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 requires development to include Sustainable Drainage Systems (SuDs). In accordance with the Development Management Procedure Order the Lead Local Flood Authority were consulted in relation to the proposed development.
- 7.11.2 Throughout the application process, the submitted drainage strategy has been reviewed by the LLFA. Concerns have been raised with regard to the lack of clear and sufficient information pertaining to the site's drainage strategy. It was viewed that the report should be updated in consideration of infiltration testing, and that the application should explore the incorporation of the above ground SuDS into the proposal and measures for pump failure. At the time of the original committee in November 2023, there was additional information which was still being considered by the LLFA. Since the time of the committee, the issues with the LLFA have been resolved and the application is now deemed acceptable in relation to drainage subject to conditions.
- 7.12 Refuse and Recycling
- 7.12.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
 - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers

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

- 7.12.2 The submitted Transport Statement is accompanied by tracking plans which demonstrate that a refuse vehicle can enter and turn around within the site and thus the Highways Officer has raised no objection in this regard.

The submitted plan indicates a proposed refuse store which would be located to the north west of the building; the siting of the refuse store is considered to be acceptable and would have no impact on the residential amenity of the neighbouring care home. Full details of the appearance of the store have not been submitted, however, these could be reserved via a condition.

- 7.13 Planning Balance/Conclusion: It is considered that the proposed development represents an appropriate form of development within the Green Belt, as the development would constitute the redevelopment of previously developed land which would not result in substantial harm to openness. Likewise, the alterations to the access track would constitute an engineering operation which is also considered to be an appropriate form of development. Furthermore, it is acknowledged that the proposed development would result in a number of benefits which must be afforded weight in the decision making process. These include the following:

- 7.13.1 Community Benefits: The applicant put forward in their Planning Statement that significant weight should be afforded to the provision of nursery places including funded and special educational needs and disabled places which would serve the community within the local area. The supporting information set out by the applicant indicates that the existing nursery which currently provides 72 places is being forced to relocate; and without an alternative location, this would close, leaving the children on the register without childcare. In addition, the re-development of Croxley House would allow the nursery to deliver additional places for the community. It is acknowledged that there is a significant demand for nursery places. The supporting information sets out that the existing sites both in Croxley Green and in Rickmansworth are forced to turn away numerous enquiries on a weekly basis and at the time the application was made and considered, St Oswalds Nursery in Croxley Green. However, it is now also noted that in January 2026, Malvern Way School opened a new pre-school for children from 2 years old. Paragraph 98 (c) of the NPPF sets out that planning policies and decisions should 'guard against the loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day need' and to 'ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community'. In addition, paragraph 99 of the NPPF sets out that 'it is important that a sufficient choice of early years, schools and post-16 places are available to meet the needs of existing and new communities.
- 7.13.2 In addition, the importance being attached to early years places has been demonstrated by the government extension of free childcare to support more parents being able to return to work after parental leave ends. 30 hours of free childcare has been extended to working parents for children over 9 months old. This therefore emphasises the importance being placed upon childcare provision centrally in order to help more parents return to work which would be considered as an economic development. Therefore, officers consider that the provision of childcare benefits would weigh in favour of the scheme and attract significant weight.
- 7.13.3 Heritage Benefits: The submitted Planning Statement states that; 'significant weight should be given to the overall heritage-specific benefits, including the alteration and extension of the listed building and alternative use that will help safeguard its future viability, use and maintenance'. Croxley House has been vacant since the former care home closed in January 2021 and it is clear from the site visit made by officers that it is in need of maintenance and repair works. At the time of the application originally went to committee, it was noted that the site had been deemed unsuitable for residential use by a number of developers. Since this time, a further application has been considered and approved for

development at Croxley House for residential development of six residential dwellings. This development proposes a conversion with improvements to the main building, however, without the requirement for an extension, alteration to access road or large car park.

- 7.13.4 The current application proposed would result in improvements to the existing building including the removal of clutter from the existing building, repair works to fenestration; repair works to the historic boundary wall and the removal of impermeable hardstanding. In addition, the internal works to the building would include removing modern partitions and works to restore the building to its original plan form. Paragraph 197 of the NPPF states the following with regard to heritage assets:

In determining applications, local planning authorities should take account of:

- (a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- (b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.*

- 7.13.5 Based on the above, it is considered that moderate weight should be given to the need to secure the future of Croxley House as Grade II Listed Building. The weight has been reduced since the previous officer report to committee, given that an alternative scheme has been granted on the site.
- 7.13.6 Economic Benefits: acknowledged that there would be economic benefits as a result of the development. As set out in paragraph 7.21 of the Planning Statement, 'notwithstanding construction phase jobs and training, some weight should be given to the provision of jobs and training for students and apprentices'. The new nursery facility would provide 43 full time equivalent roles, with additional apprentices and students. In addition, the submitted information sets out that Boys and Girls Nursery work alongside local colleges and universities to support students, and that apprentices are also employed and trained in house. Furthermore, as emphasised above, the development would enable more parents to return to work which is also viewed to be an economic benefit of the scheme. As such, it is viewed that moderate weight must also be applied to the economic benefits of the scheme.
- 7.13.7 Landscape: The applicant states that some weight should be given to the overall reduction of hardstanding and structures on the site and the increase in permeability. Officers acknowledge that the proposal would remove additional structures on the site and therefore there would be some increase in openness. Likewise, there would be the removal of a number of pathways within the site. Given that the proposal would also involve the introduction of a new car park, it is viewed that neutral weight would be attached to the landscaping benefits of the scheme
- 7.13.8 Biodiversity and Sustainability: The proposed development would result in a biodiversity net gain of approximately 10.25% which is viewed positively and would weigh in favour of the development. Likewise, the proposal would result in a 76% reduction in carbon emissions compared to the required standard, thus exceeding the target of 5% identified in Policy DM4 of the Development Management Policies LDD; again, this weighs in favour of the development.
- 7.13.9 In summary, it is therefore considered that taking into consideration that the development is viewed to be an appropriate form of development and the number of identified benefits, it is concluded that the redevelopment of Croxley House for use as a nursery is acceptable.

8 Recommendation(s)

8.1 23/0483/FUL: To **GRANT PLANNING PERMISSION** subject to conditions as set out below:

- 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:

CRXH-GTA-XX-00-DR-AR-00001 Rev P01, CRXH-GTA-XX-00-DR-AR-00002 Rev P01, CRXH-GTA-XX-00-DR-AR-00003 Rev P03, CRXH-GTA-XX-00-DR-AR-00100 Rev P01, CRXH-GTA-XX-00-DR-AR-00110 Rev P03, CRXH-GTA-XX-00-DR-AR-12100 Rev P03, CRXH-GTA-XX-01-DR-AR-00101 Rev P01, CRXH-GTA-XX-01-DR-AR-00111 Rev P03, CRXH-GTA-XX-01-DR-AR-12101 Rev P03, CRXH-GTA-XX-B1-DR-AR-00099 Rev P01, CRXH-GTA-XX-B1-DR-AR-00109 Rev P03, CRXH-GTA-XX-B1-DR-AR-12099 Rev P03, CRXH-GTA-XX-RF-DR-AR-00102 Rev P01, CRXH-GTA-XX-RF-DR-AR-00112 Rev P03, CRXH-GTA-XX-RF-DR-AR-12102 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00200 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00201 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00202 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00210 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00211 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00212 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00300 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00310 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12200 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12201 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12202 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12300 Rev P03, 071-100 REV 02, 2205-028 SK07 (Existing and Widened Access Road).

Reason: For the avoidance of doubt, in the proper interests of planning, the character of the Listed Building and Conservation Area and the openness of the Green Belt in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2, DM3, DM4, DM6, DM8, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013), the Croxley Green Conservation Area Appraisal and Croxley Green Neighbourhood Plan (2018).

- C3 No development shall take place until the widening works to the access road have been undertaken in accordance with the approved plans and the details agreed pursuant to condition 4 of this permission.

Reason: To prevent unacceptable harm to Common Land and to the character and appearance of the Croxley Green Conservation Area and to ensure the provision of a safe access in accordance with Policies CP10 and CP12 of the Core Strategy and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to any works to the access track along Common Land, a) full details of the surfacing and construction methodology and b) evidence in writing to demonstrate that the Land Owner's consent has been obtained along with consent from the Secretary of State to remove land from the Common Register, shall be submitted to and approved in writing by the Local Planning Authority

The works shall be undertaken only in accordance with the approved details.

Reason: To protect the visual amenities of Green Belt and the Croxley Green Conservation Area in accordance with Policies CP1, CP11 and CP12 of the Core

Strategy (adopted October 2011) and Policies DM2 and DM3 of the Development Management Policies LDD (adopted July 2013).

- C5 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

The Construction Management Plan /Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site; including full tracking details of vehicles and large lorries accessing the site during construction.
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;

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

- C6 No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

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

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

- C7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials and method of drainage.

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

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

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

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

- C8 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following.

a) Risk assessment of potentially damaging construction activities.

b) Identification of 'biodiversity protection zones'

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timings of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure sensible working practices which protect ecology on and adjacent to this site in accordance with Policies CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C9 Prior to the commencement of development (including demolition, ground works, vegetation clearance) a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:
- a. A description and evaluation of the features to be managed.
 - b. Ecological trends and constraints on site that might influence management.
 - c. Aims and objectives of management.
 - d. Appropriate management options for achieving aims and objectives (for example but not limited to enhancements such as woodland and grassland management (including LWS grassland), native species planting, creation of an orchard, plants of benefit for biodiversity, bat and bird boxes and other features for hedgehogs and invertebrates).
 - e. Prescriptions for management options.
 - f. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a minimum five year period).
 - g. Management responsibilities.
 - h. Ongoing monitoring and remedial measures.

These works shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure the ecological impacts of the biodiversity present are properly addressed on this site, and on the adjacent Local Wildlife Site in accordance with Policies CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C10 Prior to the commencement of development, a Dust Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Dust Management Plan should incorporate the recommended mitigation measures set out in Table 5.5 and 5.6 of the Air Quality Assessment (Document ref 23249404-AQA-0001) and the approved Dust Management Plan should be adhered to throughout the construction and operation of the development.

Reason: This is a pre-commencement condition to minimise any construction impacts and the amenity of other users of the public highway and rights of way in accordance with Policies CP9 and CP10 of the Core Strategy (adopted October 2011).

- C11 Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (7 December 2023, REF RMA-RC2441) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C12 The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation.

II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.

III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the provisions of the NPPF and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C13 Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 14. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with the provisions of the NPPF and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C14 All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (7 December 2023, REF RMA-RC2441), including appropriate flood resilience and resistance measures (such as raised Finished Floor Levels, a minimum of 300mm above any floor level and 150mm above the surrounding proposed ground levels) unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with the provisions of the NPPF and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C15 Before any building operations above ground level hereby permitted are commenced, samples of materials to be used on the external finishes and surface finishes shall be made available for inspection on site and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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 DM13 of the Development Management Policies LDD (adopted July 2013).

- C16 Prior to any building operations above ground level, sample panels of 1 square metre minimum shall be erected on site to show areas of new exterior walling. These panels shall indicate brick, brick bond, mortar mix, colour and pointing profile. The development shall be implemented in accordance with the approved details.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

- C17 Prior to the construction of the car parking areas, full details of the surfacing material, the marking of bays and the boundaries to the car parking areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To protect the rural character of the Green Belt, the setting of the Grade II Listed Building and to ensure appropriate drainage provision in accordance with Policies CP11 and CP12 of the Core Strategy and Policies DM2, DM3 and DM8 of the Development Management Policies LDD.

- C18 Prior to the installation of the new steps and ramps, full details of their proposed finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and permanently maintained as such.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

- C19 Prior to the commencement of works to the existing brickwork, a sample panel of 1 square metre shall be re-pointed at ground floor level. This sample shall indicate the brick, mortar mix, colour and pointing profile. In addition, a single repair to cut out and replace a spalled brick shall be completed to demonstrate the method and proposed brick replacement. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

- C20 Prior to their first installation on site, details (including sections and elevations at scales between 1:20 and 1:1 as appropriate) of proposed new windows, doors, timber and glazed link, eaves, fascias, verges and cills to be used shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details and shall be permanently maintained as such.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

- C21 No works to the boundary wall shall take place until samples of the new bricks, details of the new pointing including mortar, and a written specification setting out the method to be used for the proposed works has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented only in accordance with the details as approved under this condition.

Reason: To safeguard the character and appearance of the heritage asset, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C22 Prior to the commencement of repair works, a full schedule of works to the façade and roof form shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the heritage asset, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C23 Prior to repair works to the internal fabric of the building, full details of 'making good' the exposed areas revealed by demolition works shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C24 Prior to the installation of the green roof, a rolling schedule of landscaping maintenance and review shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangement for its implementation. The green roof shall be maintained in accordance with the approved schedule.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C25 All new rainwater goods shall be metal and painted black.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C26 Works to the main house shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

a) evidence of a licence, or confirmation of valid licence, issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity / development to go ahead; or
b) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence. Development shall then proceed in accordance with that licence and in accordance with the approved ecological report (Ref: Ecological Appraisal, March 2023 by Greengage) unless otherwise agreed in writing with the LPA.

Reason: To ensure protected species (bats) are protected from harm in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C27 Prior to the first use of the development, a management and maintenance agreement to ensure the ongoing maintenance of the road shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent unacceptable harm to the Common Land and the Conservation Area in accordance with Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C28 Prior to the first use of the development, full details of the size and appearance of refuse and recycling facilities as indicated on plan CRXH-GTA-XX-00-DR-AR-00003 Rev P03 on the premises have been submitted. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM3 and DM10 of the Development Management Policies document (adopted July 2013).

- C29 Prior to the first use of the development hereby permitted a detailed Travel Plan for the site, based upon the Hertfordshire Council document Hertfordshire's Travel Plan Guidance, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C30 The buggy store shall not be constructed until full details of the proposed buggy store including its size and appearance have been submitted and approved in writing by the Local Planning Authority. The buggy store shall thereafter be constructed in accordance with the approved details.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM3 of the Development Management Policies document (adopted July 2013).

- C31 Prior to the first use of the development hereby permitted, details of all plant, machinery and equipment installed or operated in connection with the carrying out of this permission and measures to enclose these shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to occupation of the development and shall be permanently maintained in accordance with the approved details thereafter.

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

- C32 Prior to the first use of the development, full details shall of the size and appearance of housing for the ASHP shall be submitted and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM3 and DM4 of the Development Management Policies document (adopted July 2013).

- C33 Prior to the installation of the pedestrian access gate, full details including scaled plans of the pedestrian gate including its appearance, material and method of fixing shall be submitted to and approved in writing by the Local Planning Authority. The gate shall thereafter be installed only in accordance with the details approved by this condition.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies document (adopted July 2013).

- C34 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and to meet the requirements of Policies CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C35 No external lighting shall be installed on the site or affixed to any buildings on the site unless and until the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed only in accordance with the approved details.

Reason: In the interests of visual amenity and biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C36 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. The Parking Management Plan shall include details and evidence regarding the allocation of visitor and employee parking provision. The development shall be implemented in accordance with the approved details.

Reason: To minimise danger, obstruction and inconvenience to highway users in the interests of safety in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C37 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

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

- C38 The premises 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 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C39 The use shall not take place other than between the hours of 07:00 and 19:00 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).

- C40 The number of children attending the nursery/preschool at any one time shall not exceed 122.

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).

Informatives

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

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

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

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

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

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

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

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

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The 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. In addition, the Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 15 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 16 The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.
- 17 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 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 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 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.
- 19 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.
- 110 Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety(CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
- 111 Common Land: The existing access route crosses land which forms part of registered common land CL035, Croxley Green. The applicant shall be responsible for obtaining any necessary consent that may be required in accordance with the provisions of The Commons Act 2006 (or as subsequently amended). Further guidance can be obtained on the Government website at <https://www.gov.uk/common-land-village-greens> N.B. The applicant may need to consult with and obtain permission from other interested parties and there is guidance on the Government website at <https://www.gov.uk/guidance/carrying-out-works-on-common-land> and on the County Council's website at: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/common-land-and-town-and-village-applications/common-land-and-town-and-village-green-applications.asp>
- 112 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

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

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

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

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

Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- a) the application for planning permission was made before 2 April 2024;
- b) planning permission is granted which has effect before 2 April 2024; or
- c) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates was exempt by virtue of 3 (a) or (b).

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>.

8.2 23/0484/LBC: That Listed Building Consent 23/0484/LBC 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: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

C2 Before any building operations above ground level hereby permitted are commenced, samples of materials to be used on the external finishes and surface finishes shall be made available for inspection on site and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

C3 Prior to any building operations above ground level, sample panels of 1 square metre minimum shall be erected on site to show areas of new exterior walling. These panels shall indicate brick, brick bond, mortar mix, colour and pointing profile. The development shall be implemented in accordance with the approved details.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

C4 Prior to the installation of the new steps and ramps, full details of their proposed finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and permanently maintained as such.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

C5 Prior to the commencement of works to the existing brickwork, a sample panel of 1 square metre shall be re-pointed shall be re-pointed at ground floor level. This sample shall indicate the brick, mortar mix, colour and pointing profile. In addition, a single repair to cut out and replace a spalled brick shall be completed to demonstrate the method and proposed brick replacement. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

- C6 Prior to their first installation on site, details (including sections and elevations at scales between 1:20 and 1:1 as appropriate) of proposed new windows, doors, timber and glazed link, eaves, fascias, verges and cills to be used shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details and shall be permanently maintained as such.
- 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 DM3 of the Development Management Policies LDD (adopted July 2013).
- C7 No works to the boundary wall shall take place until samples of the new bricks, details of the new pointing including mortar, and a written specification setting out the method to be used for the proposed works has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented only in accordance with the details as approved under this condition.
- Reason: To safeguard the character and appearance of the heritage asset, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).
- C8 Prior to the installation of the pedestrian access gate, full details including scaled plans of the pedestrian gate including its appearance, material and method of fixing shall be submitted to and approved in writing by the Local Planning Authority. The gate shall thereafter be installed only in accordance with the details approved by this condition.
- Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies document (adopted July 2013)
- C9 Prior to the commencement of repair works, a full schedule of works to the façade and roof form shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.
- Reason: To safeguard the character and appearance of the heritage asset, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).
- C10 Prior to repair works to the internal fabric of the building, full details of 'making good' the exposed areas revealed by demolition works shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved details.
- Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).
- C11 Prior to the installation of the green roof, a rolling schedule of landscaping maintenance and review shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangement for its implementation. The green roof shall be maintained in accordance with the approved schedule.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C12 All new rainwater goods shall be metal and painted black.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

Informatives

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

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

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

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

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

{\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>).

- I2 The applicant is reminded that the development subject to this grant of Listed Building Consent must be carried out in accordance with the submitted documents including:
CRXH-GTA-XX-00-DR-AR-00001 Rev P01, CRXH-GTA-XX-00-DR-AR-00002 Rev P01, CRXH-GTA-XX-00-DR-AR-00003 Rev P03, CRXH-GTA-XX-00-DR-AR-00100 Rev P01, CRXH-GTA-XX-00-DR-AR-00110 Rev P03, CRXH-GTA-XX-00-DR-AR-12100 Rev P03, CRXH-GTA-XX-01-DR-AR-00101 Rev P01, CRXH-GTA-XX-01-DR-AR-00111 Rev P03, CRXH-GTA-XX-01-DR-AR-12101 Rev P03, CRXH-GTA-XX-B1-DR-AR-00099 Rev P01, CRXH-GTA-XX-B1-DR-AR-00109 Rev P03, CRXH-GTA-XX-B1-DR-AR-12099 Rev P03, CRXH-GTA-XX-RF-DR-AR-00102 Rev P01, CRXH-GTA-XX-RF-DR-AR-00112 Rev P03, CRXH-GTA-XX-RF-DR-AR-12102 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00200 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00201 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00202 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00210 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00211 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00212 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00300 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00310 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12200 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12201 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12202 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12300 Rev P03, 071-100 REV 02
- I3 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.

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PLANNING COMMITTEE – Thursday 18 June 2026

23/0483/FUL: Change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; and widening of existing access track, internal alterations and alterations to fenestration at CROXLEY HOUSE, CROXLEY GREEN, RICKMANSWORTH, HERTS, WD3 3JB.

23/0484/LBC: Listed Building Consent: Change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; widening of existing access track, internal alterations and alterations to fenestration at CROXLEY HOUSE, CROXLEY GREEN, RICKMANSWORTH, HERTS, WD3 3JB.

Parish: Croxley Green
Expiry of Statutory Period: 21st June 2023
Extension agreed to 24th June 2026

Ward: Dickinsons
Case Officer: Claire Wilson

Development Type: Major Application

Recommendations:

23/0483/FUL: That Planning Permission is granted subject to conditions.

23/0484/LBC: That Listed Building Consent is granted subject to conditions as set out below.

Reason for consideration by the Committee: Planning application 23/0483/FUL had been called in by three members of the Planning Committee because of the access across the Green to the site. In addition, this planning application had been called in by Croxley Green Parish Council for the reasons set out at 4.1.2 below.

Whilst Listed Building Consent application 23/0484/LBC had not been called into Planning Committee, it is considered appropriate for the applications to be considered together.

To view all documents forming part of these applications please click on the relevant link below:

23/0483/FUL: <https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RRWVSUQFMUW00>

23/0484/LBC: <https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RRWVSUQFMUY00>

Officer Update: The applications were brought to Planning Committee in November 2023. In accordance with the officer recommendation, members resolved to grant both planning permission and Listed Building Consent which would have allowed the conversion and extension of the building for use as a children's nursery.

The resolution to grant for the planning application was however subject to the completion of a S106 Agreement as required by Hertfordshire Highways. At the time of the application, HCC advised that a full travel plan would be required and should be secured via a S106 agreement which would also include a £1,200 per annum Evaluation and Support Fee index linked to RPI March 2015 in accordance with Hertfordshire County Council's Travel Plan Guidance. The Travel Plan was required in order to incorporate measures to promote sustainable transport. In addition, the S106 agreement would have secured the above monitoring fees. The requirements for the Travel Plan are set out in full at HCC's consultee comments as per paragraph 4.1.7.1 of the officer report.

Since November 2023, the LPA has allowed the applicant a significant and reasonable length of time to progress and complete the S106 Agreement. However, to date, this has not been completed, and it is understood that this is due to issues with the existing landowner. Given the length of time that has passed, it is highly unlikely that a S106 agreement will be progressed or completed. As such, officers have had further discussions with HCC who have re-considered the application and their requirement for a Travel Plan to be secured via a S106 Agreement. Whilst a S106 agreement would have been the preferred mechanism to secure the Travel Plan and monitoring fee, they have confirmed that they would not be able to defend a reason for refusal regarding the failure to complete a S106 agreement. They have therefore confirmed that they would be content for the Travel Plan to be secured via a condition only. As such, this application is returned to committee for members to agree to the removal of the requirement for a S106 agreement, and for the travel plan to be secured via a condition only.

It is advised that the grant of planning permission does not override the requirements to obtain other necessary consents.

1 Relevant Planning History

There is an extensive planning history with the most recent as follows:

- 1.1 14/2141/FUL: Internal alterations to Croxley House resulting in a loss of 9 bedrooms, construction of new purpose built single storey care block within the adjacent walled garden to include 40 additional bedrooms and creation of additional parking. Application permitted.
- 1.2 14/2142/LBC: Listed Building Consent: Internal alterations to Croxley House resulting in a loss of 9 bedrooms, construction of new purpose built single storey care block within the adjacent walled garden to include 40 additional bedrooms and creation of additional parking. Application permitted.
- 1.3 16/0963/LBC: Listed Building Consent: Internal alterations to Croxley House resulting in a loss of 9 bedrooms, construction of new purpose built single storey care block within the adjacent walled garden to include 40 additional bedrooms and creation of additional parking. Application permitted.
- 1.4 16/0964/FUL: Variation of Condition 2 (Approved Plans) of planning permission 14/2141/FUL to allow alterations to the footprint and layout of the approved care home. Application permitted.
- 1.5 18/1738/LBC: Listed Building Consent: Reconstruction and repairs to boundary wall. Application permitted.
- 1.6 20/1868/FUL: Variation of Condition 2 (Approved Plans) and removal of Condition 6 (Panelling) pursuant to planning permission 16/0964/FUL to allow alterations to the approved layout to retain existing panelling. Application permitted.

- 1.7 20/1961/LBC: Listed Building Consent: Variation of Condition 2 (Approved Plans) and Condition 5 (Panelling) of Listed Building Consent 16/0963/LBC to allow alterations to the internal layout including alterations to the existing Panelling.
- 1.8 20/2366/LBC: Listed Building Consent: Construction of an outbuilding. Application permitted.
- 1.9 20/2371/FUL: Construction of an outbuilding. Application permitted.
- 1.10 21/2851/NMA: Non-material amendment to planning permission 20/1868/FUL: Alterations to wording of Condition 13 (parking and turning spaces) to allow for changes to the surface material and layout. Application permitted.
- 1.11 22/0746/ADV: Advertisement Consent: Installation of two freestanding directional signs at the junction of Croxley House, Sarratt Road and The Green. Application withdrawn.
- 1.12 25/1346/FUL: Conversion of existing building into 6no. (Use Class C3) residential units with associated bike store, parking and landscaping works. Application permitted April 2026. Permission not implemented.
- 1.13 25/1347/LBC: Listed Building Consent: Conversion of existing building into 6no. (Use Class C3) residential units with associated bike store, parking and landscaping works. Application permitted April 2026. Permission not implemented.

2 Description of Application Site

- 2.1 Croxley House is a Grade II Listed Building located within the Croxley Green Conservation Area and the Metropolitan Green Belt. The building was previously in use as a residential care home accommodating 33 rooms, however, it is noted that the building has remained vacant since January 2021.
- 2.2 Croxley House is red brick, two storey building with a single storey projection to the east, set within a landscaped setting. It is noted that the building has been historically extended. The listing for the property describes it as:

Large house, now old people's home. c.1770, extended late C19 and C20. Red brick, once stuccoed. Shallow hipped slate roof. 9 bays, 1:2:3:2:1. 2 storeys. Garden front: central 3 bays project slightly with a full height bow window. 3 ground floor French windows. First floor glazing bar sashes with stone sills, all with gauged brick flat arched heads. Flanking bays have glazing bar sashes, 16 pane on first floor. Outer bays have blocked basement, plinth, glazing bar sashes and an oriel on the ground floor to right. Original end bays project slightly. Boxed eaves. Central axial and flanking cross axial stacks. Link to 3 bay C19 addition to right, porch to entrance with pilastered surround, corniced hood, sashes, roof hipped to right. 2 extruded stacks on right return. To left 4 bays, 2 phases of C20 additions. Entrance front: late C19 ground floor projection to central 3 bays. Entrance to left with keyed segmental head. Double sash to right with twisted colonnette mullion. Dentilled brick course below cornice. Outer bays set back, large stair window to left with Gothic glazing. Some 16 pane sashes to right. End bays project slightly. End stacks on main block. C19 block to left has a semi-circular bow, French windows, casements, dentilled brick eaves. Interior: moulded plaster ceiling, late C19 carved chimneypiece with caryatids. (VCH 1908: Pevsner 1977).

- 2.3 To the north of the building is an area of hardstanding used for parking, with large areas of soft landscaping beyond. Within the garden area to the north of the site, is the Well House which is Grade II Listed in its own right. The southern and eastern boundaries of Croxley House are formed by mixed vegetation and an existing brick wall which is acknowledged to be in a poor state of repair. The main entrance to Croxley House is located within the northern elevation of the existing building, facing away from The Green and towards the

existing garden. To the south of the building adjacent to The Green is an existing area of soft landscaping.

- 2.4 In 2014, planning permission was granted for the construction of a new care block within the walled garden which provides 40 bedrooms, with ensuite wet rooms, communal spaces and administrative and staff facilities. This permission was amended in 2016, with the new building known as Clarendon Lodge opening in January 2021. It is noted that the planning permissions for the site also included internal alterations to the Listed Building to allow it to continue operating as a care home. However, it is understood that the works were not undertaken due to viability concerns. In addition, an Inspection was made by the Care Quality Commission in December 2020, with the full inspection report being published in May 2021 which found that Croxley House was inadequate.
- 2.3 Croxley House is served by an existing vehicular access road, accessed from The Green. This access road is shared with the existing care home known as Clarendon Lodge, which is located to the west of the site and has its own separate parking area.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission and listed building consent for the change of use of the existing building from a care home (Class C2) to a nursery (Class E (f)) including partial demolition of the existing extension and construction of two storey extension, provision of spiral stairs, ramp access, green roof, rooflights and vents, repair to boundary wall with associated parking and landscaping works, widening of existing access track, internal alterations, and alterations to fenestration.
- 3.2 It is proposed to change the use of the existing building from a residential care home to a children's nursery. The nursery would provide 122 places catering for children from the ages of 3 months to pre-school age (under 5). It is proposed that the nursery would operate Monday to Friday from 7am to 7pm all year round, with the exception of public and bank holidays. The submitted planning statement specifies that the new nursery would provide 43 full time equivalent jobs.
- 3.3 In order to facilitate the proposed use, internal alterations would be made to the existing building. This would include the removal of internal partitions to provide the new nursery spaces including a baby room, pre-toddler room, toddler room and preschool room as well as additional areas including a sensory room, kitchen, staff room and meeting rooms.
- 3.4 The building has been historically extended, and part of the proposal would involve the demolition of the existing two storey extension (the applicant has advised that this dates from the late 20th Century) located to the west of the building adjacent to the access road. The proposed extension would consist of two parts. The first is a two storey 'link' which would have a width of 3m and a depth of approximately 8m. The front and rear building line of the link would be set back from the main front and rear elevation of the building by approximately 1.2m. The link would have a flat roof form 6.3m (when measured from the highest level adjacent to the extension on the southern elevation) which would set down from the eaves of the existing host building. In terms of design, the 'link' would consist of two casements of full height glazing with the flanking bays consisting of solid timber panels.
- 3.5 The second part of the extension would comprise a two storey extension linked to the main house via the 'link' extension described above, which would have a width of approximately 6.3m and a maximum depth of approximately 15.3m. The southern elevation of the extension would be in line with the main southern building line of the existing host building. The extension would have a flat roof form with a height of approximately 6.7m (when measured from the highest level adjacent to the extension). The extension would have a brick external finish with glazing to all elevations.

- 3.6 To the east of the building, there is an existing stepped roof form at two storey level described on elevation as a 'late Victorian addition'. As part of the development, the stepped roof form would be removed, resulting in the formation of one single consolidated flat roof form which would remain subordinate to the main roof form of Croxley House. The applicant is also proposing to remove the existing flat roofed porch canopy to the southern elevation.
- 3.7 To the north of the building an existing external stair case would be removed, and a new spiral stair case would be installed in the same location. Other external alterations to the main building include the removal of two concrete access hatches to the basement, removal of external lights, and the rationalisation of services and drainage runs. New steps would be installed to the south and northern elevations of the building.
- 3.8 To the south of the building, fronting The Green is an existing amenity area which mainly consists of grassland with pathways and railings evident. The applicant is proposing to subdivide this area to create three garden areas serving the separate nursery rooms, with the boundaries between the garden areas consisting of chestnut pale fencing. The applicant has advised in writing that the likely height of the fencing would be approximately 0.9m. The garden areas would remain as grassland. The woodland planting along the southern boundary would be enhanced with additional woodland planting.
- 3.9 To the north of the site, three new car parking areas are proposed. The main car park would be to the eastern side of the building and would have a depth of approximately 23m, and a width of approximately 16.2m. This car park would provide approximately 14 spaces. The two further car parking areas would provide 6 tandem spaces adjacent to the access, with a further five spaces centrally.
- 3.10 At present, Croxley House is accessed via a single access track from The Green. This is not of consistent width at present with the minimum width being approximately 3.3m closest to the entrance to the site, and approximately 4.1m closest to The Green/Sarratt Road. The applicant has confirmed that the majority of the track is approximately 3.5m as existing as evidenced on drawing SK07 which provides a comparison between the existing and proposed. The applicant is proposing to widen the access track to a consistent width of 4.5m. It would be re-surfaced; however, it would not contain any road markings. A new pedestrian access is proposed within the south eastern corner of the site and a new gate would be installed which would provide access to an internal footpath which would be located to the east of the building. Full details of the proposed gate have not been provided at this stage.
- 3.11 The proposals also include the restoration of parts of the historic boundary wall within the applicant's control, to prevent further damage and to restore the areas where damage has already occurred. The Design and Access Statement specifies that two sections of wall are recommended for restoration and referred to as a) leaning wall at the site entrance and b) collapsed wall on the eastern boundary. The leaning wall at the site entrance is currently fenced off in the interests of safety. The details submitted specify that the proposed restoration will straighten the leaning pier and wall at the site entrance. With regard to section b), sections of the wall where in a poor state of repair are to be rebuilt using reclaimed materials. The Design and Access Statement specifies that all salvageable bricks will be reclaimed and used in repairs, and any new bricks required will be sourced to match the existing as closely as possible. The new works will be done in lime mortar to match the existing and lime washed as the existing to ensure a consistent finish to the wall. The coping where missing will be reinstated to match the existing.
- 3.12 Amended plans have been received during the course of the application. The amendments are as follows:
- Recessing the proposed 'link' extension from the southern and northern elevations of the building.
 - Removal of the roof capping from the proposed two storey extension.

- The width of the proposed windows in the proposed extension have been revised to match the width of the window openings in the original house.
- The door within the southern elevation has been re-sited centrally to mirror the central door proposed to the eastern 'interwar addition';
- The fenestration to the western link has been revised to reduce the extent of glazing to this element. For both the northern and southern elevations, the link is divided into four equal bays within the flanking bays consisting of solid timber panels;
- The existing windows will be repaired and secondary glazing installed rather than replacement windows being sought.
- The stepped roof form within the eastern 'Victorian addition' has been revised to be a level flat roof form;
- The modern fenestration detail sought at ground floor level within the existing eastern extensions has been revised to be more traditional in appearance;

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [No objection to 23/0484/LBC].

4.1.2 Croxley Green Parish Council: [Objection to 23/0483/FUL]

Croxley Green Parish Council object to the application.

Although fully supportive of the change of use, great concerns are held over the access the site including the widening of the access track which results in the loss of village green space and the safety of road users at junctions. We believe that TRDC should commission an independent assessment of the Transport Statement, the Framework Travel Plan, and the Car Parking Management Plan.

Concerns are also held over The Green being used for construction related parking. The Construction Management Plan must include full provision for protecting The Green, both from overrun off the access road, and from overspill parking or material storage.

If the officer minded to approve the application, CGPC request that is called into the TRDC Planning Committee.

Officer comment: During the course of the application, amended documents have been received and therefore the Parish Council have provided additional comments as follows:

4.1.2.1 Croxley Green Parish Council object to the application. Although fully supportive of the change of use, we have the following concerns:

Inaccurate/insufficient study of vehicle movements on/off the site and would recommend using a Traffic Micro Simulation to assess how the junction would operate with vehicle movements on/off the site.

There is no contingency parking if the number of vehicles arriving at the same time exceed the stated 8 drop off spaces. A Cllr recently conducted an hour assessment of the number of drop offs at Croxley Park that has space for 72 children and witnessed 9 vehicles dropping off at the same time. Croxley House would have space for 122 children which suggests that more drop off parking spaces would be required.

Officer comment: In respect of the above, Herts Highways have been consulted and have fully assessed the application with regard to the impact on the highway. The off street car parking provision will be assessed within the analysis section of this report.

In addition, the applicant has provided the above comment:

In response to the Parish Council's recommendation for a Traffic Micro-Simulation, the application follows pre-application engagement with the Highway Authority to agree the scope of assessment which has been provided as part of the application to the satisfaction of the Highways Authority. There is no need to undertake Traffic Micro-Simulation given how low the traffic flows are, and it would be unreasonable to require it. The Highways Authority as the statutory consultee has not required this and has agreed with the applicants assessment that the volume of traffic generated by the proposals is so low as to have no material impact upon the highway.

Notwithstanding that we do not agree with the assumptions made by the Parish Council that there may be insufficient car parking, there is circa 35m of two-way road space between the entrance to the site (i.e. beyond the access Road to the Green) and the start of the drop-off/pick-up spaces, meaning that in the exceptional event of there being short periods of time when those spaces are taken, there is space for up to six additional cars to queue within the site, without any impact upon the Green, driveway across the Green or areas of landscaping/trees. Notwithstanding this, the application demonstrates that there is adequate parking provision to accommodate the drop-off/pick-up requirements of the development.

4.1.3 Three Rivers District Council Property Services: [Objection]

The Property Services Department, acting on behalf of Three Rivers District Council in its capacity landowner of the Croxley Green Common Objects to the Planning applications 23/0483/FUL & 23/0484/LBC.

Croxley Green Common is registered Common Land and belongs to Three Rivers District Council. With the exception of the current, narrow access track measuring 3.9 metres at its widest point, which is specifically excluded from the Common Land register, and is the proposed main access to the application site. Whilst the applicant has made contact with the Council via the Property Services Team, there is no agreement for an easement for access to the application site via the access track as shown on the application plan.

The Council's objections as landowner are raised on the following grounds:

- The access track, forming part of the application area is incompatible with the proposed increase in usage of the proposed development;
- The Applicant does not have an easement for access to the proposed development site;
- The Transport Assessment states that there will be an increase to average vehicle movements along the track, creating an average of 48 additional vehicle movements per hour. It is anticipated that during morning, lunch and early evening peak times there is likely to be a much greater frequency of traffic movements over the access track;
- The track is already heavily used by the operators and occupiers of Clarendon Lodge care home. The track is not constructed to withstand the levels of traffic it currently experiences, the proposed development would cause substantial detriment to the condition of the track;
- The design of the access track has evolved, from a simple cart track to a metalled surfaced track. The current condition of the access track is poor because it accommodates traffic it was never designed to;
- TRDC are solely responsible for the repair and maintenance of the track – additional traffic will place further burden upon the taxpayer;
- The design of the existing junction between the track and Baldwins Lane does not include suitable splay lines, this would result in overrunning of the Common Land;

- We are concerned that the levels of traffic accessing the site over the track will lead to increased risks of collisions and traffic congestion as it enters and leaves Baldwins Lane and already well-used junction, close to the crossroads junction with The Green;
- The proposal to widen the track to permit two-way traffic significantly alters the character of the track and adjacent Common Land;
- The suggested widening of the track from 3.9m to 4.8m would impinge upon the Common land and this is not permitted without the removal of the 'additional' land from the Common Land register, which only the Secretary of State can provide consent for;
- Existing pedestrian access is provided by the track and the application states there is no new pedestrian access however this is incorrect. Reference to a separate pedestrian access is referred to within the Design & Access statement. The applicant does not have an easement for this additional access.

The application raises significant concerns, which include the considerable increase in the volume of vehicle movements across the Common, which in our opinion risks negatively impacting upon the character of the Common and the surrounding Conservation Area. We therefore wish to register an objection on behalf of the Council as landowner.

Officer comment: The applicant submitted a written document providing a response to the above consultee comments. The applicant's comments are summarised below:

- The widening of the access is considered non-material in the context of the Green as a whole and will provide a benefit to its longer term management and maintenance;
- The easement to the access is a legal matter, and is not a material planning consideration;
- The vehicle movements within the Transport Statement have been misinterpreted. The Transport Statement identifies the peak hourly increase to be 35 vehicle movements (AM peak hour) and peak increase in flows at lunch time to be 13 vehicles with evening peak increase being 35 vehicles. This equates to approximately one vehicle every two minutes which is a low frequency of traffic in terms of road usage/capacity is not high flow. Flows throughout the rest of the day would be much lower due to the proposed nature of the use;
- The minor widening of the access road would allow two way traffic which is suitable to accommodate the above.
- The proposals include resurfacing of the track to ensure that it is in a suitable condition. Appropriate surveys and the construction specification of the track can be secured via a condition; so that works can be undertaken to ensure that an appropriate access is secured;
- With regard to the issue of the TRDC being solely responsible for the repair and maintenance of the track: This can be discussed and secured outside of planning to ensure that there is an appropriate management arrangement in place. It is the intention for the applicant to resurface the track when it is widened. A future repair and maintenance agreement can be secured via a legal agreement. Notwithstanding this, on completion of the works, no further works are expected to be required for 20-30 years.
- With regard to the issue of the design of the existing junction not having suitable splay lines: There are suitable radie on each side of the access, with the access being circa 13m wide where it meets the public highway;
- With regard to the issue of increased risk of collisions and traffic congestion: As set on in HCC comments, ample visibility is available in all directions from the junction. There have only been two collisions of slight severity within the last five years near to the site but not fronting the access. The Highways Authority considers that the proposed development will not increase the risk of collision.
- With regard to the issue of road widening altering character: The widening would ensure a consistent width of the access road and would prevent vehicles from running onto the grass verge. There would be an improvement in the overall character.

- With regard to the issue of common land: The correct procedure is being followed. Planning permission is being applied for first and notice served accordingly. A separate application would be required to be made to the Secretary of State via the Planning Inspectorate. This matter is not a matter for consideration under this application.
- With regard to pedestrian access. All works are within the site boundary. The pedestrian access is to encourage walking, cycling and to reduce reliance on the car.

Officer comment: Following the receipt of this document, TRDC Property Services were reconsulted and their comments are summarised below:

- The Council objects to the principle of the removal of Common Land status from the adjoining land. Overrunning or damaging Common Land without the owner's authority is an unlawful act and can be punishable by prosecution.
- The fact that the Council as landowner objects to the widening of the track to facilitate the planning application is a material consideration.
- The Council objects to the increase in traffic levels intending to use the widened track.
- The track would need to be widened and substantially re-constructed (including substructure and base courses) in order to accommodate the increased frequency of the weight of the traffic proposed. Such substantial works and the resultant widening will substantially alter the character of the Common Land.
- Whilst it may be the opinion of the applicant that the works are minor, in the opinion of the Council, the proposed works would be substantial. Failure to adequately construct the track to a suitable standard would rapidly increase the deterioration and cause major inconvenience to existing users of the track. The Council has already spent £11,000 in the last three months repairing damage to the track.
- Notwithstanding the comments from the Highway Authority, the proximity of the access track to the acutely angled crossroad junction between The Green, Sarratt Road and Loudwater Lane remains a cause for concern. Whilst recognising that the visibility is good, the additional traffic movements and interaction with the surrounding highway network and track remain a safety concern.
- The applicant is correct that a separate application would need to be made to the Secretary of State via the Planning Inspectorate with regard to the Common Land status. However, the Council as landowner would have to apply to the Secretary of State and as indicated in earlier responses, the Council objects to the widening of the track and the removal of land from the Common Land designation.
- Whilst there are a series of defined pedestrian routes across The Green which radiate from the north eastern corner of the site, as far as the Council is concerned, there are no pedestrian rights of access to the application site as indicated. There is no desire to create or allow further access points between The Green and the application site.

Officer Comment: Rights of access (both vehicular and pedestrian) are not a material planning consideration. Planning permission can still be granted, with the rights of access remaining a civil/legal matter between the landowner and the applicant.

The application to remove land from the Common Register is a separate process which is not a consideration under this planning application

4.1.4 Three Rivers District Council – Planning Policy: [No objection]

The application seeks permission for the change of use of an existing Care Home (Use Class C2) into a Day Nursery (Use Class E(f)).

Policy CP1 'Overarching Policy on Sustainable Development' of the Core Strategy (2014) states that new development, in contributing to the sustainability of the District, needs to take account of protecting and enhancing existing community facilities and providing new facilities. The proposed Change of Use from a Care Home to a Day Nursery would provide a new community facility therefore, the proposal is compliant with Policy CP1. Policy

DM12(c) states that where proposals are submitted for new or improved community facilities they should be accessible by sustainable modes of transport. The site is located within proximity to local bus services and local facilities along Baldwins Lane. Whilst Croxley Green Station is relatively accessible, this is still approximately a 15-20 minute walk away.

The application form states the existing site currently consists of a 33-bed care home; applying the Council's conversion ratio of 1.9 C2 bedrooms to 1 market dwelling means that the care home provides the equivalent of 13 dwellings on the site. Therefore, the application would result in a net loss of 17 C3 dwellings and would exacerbate the District's current local housing need figure of 633 dwellings per year. There would be an in-principle objection to a net loss in housing, given that Policy SA1 (Housing Site Allocations) states that permission will not be granted for development resulting in a net loss of housing.

Policy CP6 states that development will be supported where it provides employment opportunities and promotes skills and learning. The proposed Day Nursery would cater to 122 children's places, operating from Monday to Friday (0700 to 1900) which would contribute towards employment opportunities and the promoting of skills and learning. Subsequently the pre-application complies with Policy CP6. Policy CP6(g) also states proposed development should align economic growth with housing growth in the area in order to balance the provision of homes and jobs and reduce out-commuting. The proposed Day Nursery may positively contribute towards sustainable economic development as two residential development sites within proximity to Croxley House have been approved at appeal (20/1881/FUL and 20/0467/FUL). Therefore, the Day Nursery may serve nearby residential development.

Policy DM3(b) 'The Historic Built Environment' states Listed Buildings in the District should be preserved, including through Change of Use, which would preserve the character and historical interest of the building as well as ensure its continued use and viability. Croxley House is a Grade II Listed Building, and the proposed Change of Use would ensure the continued use of a Listed Building, as the site is currently vacant. However, the policy also states that demolition of a Listed Building will only be granted in wholly exceptional circumstances. In order to keep heritage assets such as Listed Buildings in use and thereby secure their contribution to the character and distinctiveness of the area, allowing alternative uses or sympathetic development or alteration may be acceptable, providing that the new extension would not adversely affect the character of the building, both internally and externally as well as in its wider setting.

The Local Housing Needs Assessment (LNHA) considers the need for older persons accommodation within a C2 Use Class and estimates a notable need for 683 care beds over the period 2020-2036. The application would exacerbate existing needs for older persons' accommodation; however the care home is a vacant site and the submitted documents state that the existing care home has been found to be of inadequate quality in a Care Quality report.

Therefore, the proposal to redevelop the existing site into a Day Nursery would not result in an objection, as the provision of a new community facility which would contribute towards employment opportunities and the continued use of a Listed Building, outweigh the loss of vacant care home on the site.

4.1.5 Three Rivers District Council Conservation Officer: [Objection]

This application is for the change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; widening of existing access track, internal alterations and alterations to fenestration.

Croxley House is a Grade II listed building (list entry: 1348223). The property is located in the Croxley Green Conservation Area. The Grade II Well House is located within the immediate setting of Croxley House (list entry: 1296183).

Internal alterations: It is positive that the modern internal partitions would be removed as a result of the proposed. The proposal results in the loss of some late nineteenth and early twentieth century fabric, however, the loss of fabric is minimal; this aspect of the scheme would not raise in principle objections when considering the benefits of the proposed improvements to the internal layout of the listed building.

Notwithstanding this, the derivation of the ground floor wall where a platform lift would be inserted has not been determined; further information should be provided on this aspect prior to agreeing the principle of its demolition. The removal of modern partitions at first floor would be undermined by the creation of a lobby within the proposed staffroom. In addition, there are in principle concerns regarding the loss of historic fabric within the nineteenth century extension. This would undermine from the legible phasing of the building, detracting from the archaeological and architectural significance of the listed building.

Further information would be required relating to the proposed fan coils prior to agreeing the principle; services routes and outlet vents have the potential to affect the architectural and aesthetic interest of the property.

External alterations: The removal of clutter from the elevation would be positive. The proposed replacement staircase would be acceptable. However, there are in principle concerns regarding the proposed fenestration within the nineteenth/ early twentieth century link extension. The proposed fenestration would be overly modern and architecturally incongruous to the derivation of the extension and character of the property. This aspect of the scheme would also potentially result in the loss of the extensions original fenestration composition which would detract from the architectural and archaeological interest of the property. There is a lack of justification for this given this serves a WC.

The loss of historic fabric and erosion of the late nineteenth century and early twentieth century composition would detract from the legible phasing of the listed building, thus harming its archaeological and architectural significance. The proposed pre-cast concrete canopy would also appear at odds with the architectural context of the listed building, I recommend that this aspect of the scheme is omitted.

Proposed Extension: The existing extension derives from the late twentieth century; it is set over two storeys constructed of red brick with a hipped roof form. There would be no objection to the sympathetic replacement of the extension.

It has been previously noted that there would be no in principle objection to the replacement of the existing extension and there may be scope for a well-designed contemporary extension. However, the form, increased height and depth, roof detailing and fenestration of the proposed extension would result in a more bulky and prominent addition to the listed building. The visual impact of the extension is exacerbated by the two-storey link extension. Overall, the extension would architecturally compete with the host building and appear as an overly dominant addition.

There is a preference for the depth of the extension to be reduced by one bay which would work to reduce the mass. There are also concerns regarding the roof capping detailing of the extension, this appears to add unnecessary bulk and height to the extension. I recommend that the height of the extension is reduced so it sits below the eaves of the host building with a simple parapet; this would result in a more subservient scale and appearance.

Pre-application advice noted there may be scope for a small, well-detailed single storey link. I recommend that the link is reduced in height, is recessed from the front and rear elevation and the timber frame omitted. This would result in a more discrete and lightweight extension.

The fenestration within the proposed extension would appear disproportionate to the windows and the wall to glazing ratio would also appear at odds with the host; I recommend that the fenestration references the size of the existing windows and reflects the window hierarchy between ground and first floor.

Windows: It is proposed to replace some historic windows, including some late-nineteenth and early-twentieth century windows. Windows make an important contribution to significance of a listed building. Whilst some windows may not be original, they may still be historic and contemporary to various construction phases of the listed building. They are therefore of architectural and archaeological interest and contribute positively to the significance of the listed building.

As per best practice guidance set out by Historic England, there is always a preference to repair windows that contribute to the character of the listed building over replacement. Replacement is only considered acceptable if it can be demonstrated that they are beyond economical repair. The condition survey demonstrates that some windows have areas of defects, however, they appear to be in a repairable condition.

There are concerns regarding the appearance of double glazing situated within the same elevation of single glaze; double and single glazing have different reflective properties which can detract from the appearance of the listed building. Additionally, double glazed windows would likely require thicker glazing bars to accommodate the additional glazing; this can detract from the character and architectural interest of the listed building. Furthermore, with regard to the leaded lights, there are concerns regarding the compatibility of double-glazed windows, as this would require stuck on lead comes which would result in an untraditional detail and finish. This loss of historic fabric and detailing would alter the appearance of the listed building and detract from its significance.

There may be scope to thermally upgrade the existing windows through draft proofing, inserting double glazing within existing frames (granted the existing glazing is not of historic interest and the frames are thick enough) or installing secondary glazing internally.

Please refer to page 62 and 63 of Historic England's Traditional Windows guidance which can be accessed here: <https://historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/heag039-traditional-windows-revfeb17/>

Landscaping: It is proposed to increase the hardstanding to accommodate additional parking. This would result in the loss of verdant landscaping within the immediate setting of the listed building and there is still a preference for the hardstanding to be reduced. I acknowledge that layout has also be dictated by the existing mature trees which do make an important contribution to the Conservation Area and setting of the listed building. The carparking may be considered acceptable depending on the treatment; I recommend that the landscaping is softened with less formalised bays.

I acknowledge that there is an opportunity to improve the surface of the access track which is currently in a poor state of repair. However, the proposed widening of the access track raises concerns. Whilst this would only be a minor extension to the existing hardstanding, there is a lack of guarantee that this would resolve issues with cars driving onto the Green given the access road would still be a single track.

Conclusion: There are enhancements arising from this scheme, however, such enhancement would not completely outweigh the harm identified arising from other aspects

of proposal. Such heritage benefits should not be considered a substitute for a sympathetically designed extension.

The proposal would be contrary to Section 16(2) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regard to the NPPF, the level of harm to the listed building and conservation area is considered to be 'less than substantial' as per paragraph 202. Paragraphs 200 and 206 would also be relevant.

Officer comment: In response to the Conservation Officer's original comments, the applicant submitted amended plans and an additional addendum to their Heritage Statement. The Conservation Officer has assessed the submitted details and the following comments received:

4.1.5.1 Conservation Officer – Second Comment:

This application is for the change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; widening of existing access track, internal alterations and alterations to fenestration.

Croxley House is a Grade II listed building (list entry: 1348223). The property is located in the Croxley Green Conservation Area. The Grade II Well House is located within the immediate setting of Croxley House (list entry: 1296183). The property is located within the Croxley Green Conservation Area. Due to the openness of the Green, there are long views of Croxley House from within the conservation area, the area appraisal notes that Croxley House 'has a powerful presence at the northern end of section C and the whole area'.

This is the second consultation within this application.

The existing twentieth century extension to the west elevation, by virtue of its scale, form and appearance, makes a neutral contribution to the significance of the listed building. It is of a modest scale and appearance, utilising materials that relate to the host. This ensures that it does not visually detract from or compete with the host building.

Extension

As noted within previous advice there would be no principle objection to the removal of the existing extension and its replacement with a sensitively designed extension that preserves the significance of the listed building. However, the proposed extension due to its scale, massing, form and appearance would result in a visually prominent and dominant addition that would architecturally compete with the listed building, impacting the ability to appreciate its architectural interest.

The scale, form and massing of the proposed extension would result in a more bulky and dominant extension when compared to the existing extension. The CGIs within the Heritage Note illustrate how the increased massing and depth would result in a visually prominent and competing addition. Furthermore, the height of the extension would sit above the eaves of the host building, this would result in an awkward relationship between the host and the extension.

I acknowledge that the existing extension projects beyond the principal elevation building line, however, those elements that do are single storey which does minimise their visual impact. The proposed extension would sit flush with the principal elevation building line and whilst this does better respect the principal elevation building line, the footprint removed from the front would be added onto the rear (north) at ground and it is also proposed to increase the footprint at first floor. The increase in depth and massing results in an overly dominant addition.

The host building is predominantly brick with sash windows (typically six over six with the ground floor windows larger than the first-floor windows). Comparatively the windows within the proposed extension would be larger than that within the host building and would be all the same size. Additionally, the wall to glazing ratio within the extension would relate poorly to the host building, with large areas of glazed openings with concrete lintels and cills and very little brick detailing. The proposed extension would fail to respond to the proportions of the host building, resulting in a disjointed appearance between the extension and host. It is important that the extension remains subordinate to the listed building, not just in height but also in appearance and massing.

Whilst there may be scope for a contemporary approach to an extension, it is important that any extension harmonises with and is complimentary of the host building. It was recommended within previous advice that the depth of the extension should be reduced by one bay and that the height of the extension should be reduced so it sits below the eaves of the host building with a simple parapet; this would result in a more subservient scale and appearance. It was also recommended that the fenestration references the size of the existing windows and reflects the window hierarchy between ground and first floor. I acknowledge that the concrete lintels at first floor are slightly large than within the initial scheme, however, this does not go far enough to address concerns.

As noted previously, there may be scope for a small, well-detailed single storey link. However, the 'link' element of the proposed extension does not appear as a link due to its height, width, and thick framing. A link would typically be a small, single storey, connecting structure that has minimal framing to ensure it remains as discrete as possible. I acknowledge that the 'link' has been set back from the front (south) elevation, but this does not address fundamental concerns regarding the height. The scale of the 'link' coupled with the large amounts of glazing exacerbates the visual impact of the extension.

The amendments to the proposed extension are minor and do not address previous concerns raised. The scale and massing, combined with the form and appearance of the proposed extension would contrast and compete with host building, detracting from its primacy and pre-eminence. This would undermine the ability to appreciate and understand the listed building's architectural interest and thereby detract from its significance. The west elevation and south elevation are visible from several views within the Conservation Area. Given the visual prominence of the proposed extension, compounded by its scale and appearance, it would also fail to preserve or enhance the character and appearance of the Conservation Area.

External alterations

The overly modern glazing in the nineteenth century extension has been omitted, and the proposed fenestration within this section is acceptable. The proposed works to the eastern, late Victorian and interwar extensions and removal of a modern window at ground floor to the north elevation do not raise an objection. The lowering of cills within the 'later/ extended wings' appears to result in the unnecessary loss of historic fabric.

Internal alterations

Previous advice stated the derivation of the ground floor wall where a platform lift would be inserted has not been determined; further information should be provided on this aspect prior to agreeing the principle of its demolition. This aspect has not been addressed and it is now proposed to remove additional fabric at ground and first floor to provide wider entrance to the proposed extension.

There is still a preference to remove the lobby entrance to the staff room; the benefits of removing modern partitions to improve the floorplan would be undermined by this aspect. There are also some concerns that the proposed layout for the stairs, platform lift and storeroom as this would result in fireplaces/chimney breasts being within ancillary spaces

and covered over, further information should be provided to understand the impact of these works.

Landscaping

As per previous advice, it is proposed to increase the hardstanding to accommodate additional parking. This would result in the loss of verdant landscaping within the immediate setting of the listed building and there is still a preference for the hardstanding to be reduced. I acknowledge that layout has also be dictated by the existing mature trees which do make an important contribution to the Conservation Area and setting of the listed building. The carparking may be considered acceptable depending on the surface treatment; I recommend that the landscaping is softened with less formalised bays.

I acknowledge the benefit of removing the railings. However, the existing steps and ramps are being replaced, not removed in entirety. The existing pathway to the front is separated from the listed building by planting, which works to soften the appearance of hardstanding. Comparatively, the proposed steps and ramps would be more visually prominent due to their scale and would abut the listed building. Whilst concerns have not been raised regarding this aspect, the removal of existing steps and ramps cannot be considered an enhancement taking into consideration their proposed replacement.

Advice provided within the first consultation response relating to this application (provided on 09/05/2023) regarding the access track remains relevant.

Heritage Benefits

As noted within previous advice, there are enhancements arising from this scheme, however, such enhancements would not completely outweigh the harm identified arising from other aspects of proposal. Such heritage benefits should not be considered a substitute for a sympathetically designed extension.

It is acknowledged that the building is currently unoccupied, and the proposal does present an opportunity to bring it back into use. However, I consider there to be scope for a more sensitive scheme. It has not been demonstrated that the proposed use is the one that would cause the least harm to the listed building's significance or that the extension, in its current form, appearance and scale, is fundamental to securing the listed building's optimum viable use.

The proposals would fail to preserve the special interest of the listed building, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the level of harm is considered to be 'less than substantial' as per paragraph 202. 'Great weight' should be given to the heritage asset's conservation as per paragraph 199. Paragraph 200 would be relevant.

Officer comment: In response to the Conservation Officer's objections, the applicant has provided the following statement:

We do not agree with the harm alleged by the proposed extension and link and highlight that the link is lower than the roof of the existing extension and represents an improvement over the clumsy and poorly designed existing extension. Fundamentally, we believe that the significant benefits, including heritage and wider public benefits, outweigh the harm, and the balance is tipped by our different assessment of the extension. Even if there is still a low level of residual heritage harm, that would need to be weighed against the benefits of the scheme.

The statement that it is considered that there is scope for a more sensitive scheme is immaterial. There is no fallback option and no alternative scheme for this building. The building has been vacant for an extended period with no other viable scheme or occupier being brought forward. Alternative, vague and untested schemes or designs cannot be put forward as a reason for refusing the current, very detailed scheme that would secure the future of the building and provide significant heritage benefits, reversing the fortunes of the building which has deteriorated into a state of disrepair.

It is also noted that following on from discussions with officers, the applicant has submitted further amendments. Planning Officers have considered the amended plans, and documentation provided and are of the view that the proposals do overcome the Conservation Officer's concerns. This shall be discussed within the analysis section.

4.1.6 Three Rivers District Council Tree and Landscape Officer: [Objection]

Recommend: Refusal

The site is within the Croxley Green Conservation Area and Metropolitan Green Belt, and there are numerous trees on-site protected by Tree Preservation Order (TPO239). The location also borders a local wildlife site (08/013).

The site is situated at the northern end of The Green, an extensive area of Common Land, within the parish of Croxley Green. It comprises of a country house within landscaped gardens, that is accessed via a single-track road across The Green. The house is partially screened from The Green by mature trees, but is a prominent feature due to the flat, open nature of The Green. The grounds of the house are relatively extensive, and contain many mature trees, in particular two very large and impressive specimen Cedars close to the northern facade of the building. To the south and eastern boundary of the site the trees form a continuous shelter belt along Little Green Lane.

The proposed redevelopment and change of use from a residential care home to a children's day nursery would indicate that there will be a significant increase in the number and frequency of vehicle movements, with significant numbers entering, exiting, and moving around the site on a daily basis.

Even with the re-design of the landscape around the building, the relatively narrow entrance with a sharp right-hand turn into the site, would appear to be unsuitable for large numbers of vehicles. This may be further exacerbated by the shared access for the neighbouring residential care home, whose service entrance opens on the driveway and could lead to additional traffic congestion during deliveries.

In addition, due to the number and proximity of mature trees on the site, the amount of parking that can be provided for the pick-up and drop off of children is severely limited and could lead to over spill parking in unauthorised areas, including The Green. This could be damaging for protected trees on the site, particularly the prominent Cedars, leading to additional encroachment into Root Protection Zones and /or future applications for additional parking provision.

The plans indicate that the access road across The Green would be widened to accommodate two vehicle lanes. This may require some encroachment into the adjacent Common Land that is owned by a third party (TRDC), which the applicant presumably has a right of access over. It is not clear from the plans whether permission has been sought for this or whether this would be granted by the landowner. As a result, it may not be possible to widen the access road to accommodate additional traffic. The widening and formalising of the road (such as curbing and road markings) could also have an urbanising effect and have some visual landscape impact on The Green.

A new pedestrian access point at the southeast corner of the site is also proposed. This would require some surface and level improvements of the existing informal path on The Green to make it accessible for parents and young children, again this would require permission from the landowner. The transport statement includes details of highways improvements on Little Green Lane associated with the neighbouring Killingdown Farm development. This suggests that the intention may be for Little Green Lane to be used for parking by users of the nursery to gain access to the site via the pedestrian entrance. Hence development of an entrance in this location, could also result in additional traffic and congestion issues on Little Green Lane, particularly once the residential development at Killingdown Farm is completed.

Refusal is recommended due to the sensitivity of the surrounding landscape, and its limited ability to accommodate the increased traffic generated by the proposed development, without it resulting in unacceptable impacts to protected trees and the visual amenity of The Green and the Croxley Green Conservation Area.

Officer comment: In response, the applicant submitted a letter in response to the Landscape Officer's objections and the comments are summarised as follows:

- The comments relate to transport matters and not landscape. The proposed development will not result in significant vehicle movements around the site on a daily basis. The nursery use will be limited to five days a week, with movements limited to certain times of the day.
- The comments in relation to access are a transport matter and have been reviewed by HCC who have raised no objection. The entrance width to the site will be 4.5m and at the northwestern corner of Croxley House there will be a passing width of 6m. This is more than adequate for a safe passage of two way traffic.
- No evidence has been provided to suggest that parking will overspill in unauthorised locations.
- The landscape proposals have been designed with the inclusion of physical measures to ensure that vehicles cannot encroach upon the landscape and root protection areas. The landscape levels ensure no dig construction over the roots of trees. Installation of a permeable surface in place of the current impermeable tarmac over the roots of prominent cedars will be of benefit to the trees.
- Right of access is not a material planning consideration. The applicant is following the correct procedure by first applying to for planning permission for the widening of the road.
- There will be no curbing and road markings and the road will not be formalised. This would be secured by planning condition.
- No surface or level improvements to the existing informal path on the Green are required or proposed. Therefore, no permission from the landowners are required.

The Landscape Officer has provided the following comments in relation to the additional information, raising concerns:

- 4.1.6.1 The additional information provided by the applicant reiterates the transport and parking studies previously submitted, which confirms that there will be additional vehicle movements in around the site, focused on peak times at the beginning and end of the day, but that this will not negatively impact trees and the landscape. Despite this concerns still remain over the possible impact during peak times, and particularly during times of inclement weather when there may be increased drop offs by car.

The applicant's studies at other sites suggest that the parking provision should be adequate for this location, although there does not appear to be any suitable space to increase parking provision, without an impact on trees and the landscape if this is not the case.

The information indicates that the access road across The Green to the site is not a planning consideration. This suggests that if planning permission were granted, the site could operate without any need to widen or upgrade the existing access road, which as previously mentioned could be detrimental to the landscape of The Green.

The information also indicates that the pedestrian entrance to will not require any level or surface improvements across The Green, this would suggest that access to the site by pedestrians with young children maybe undesirable during the winter and spring months and during periods of unsettled weather, due to muddy and wet conditions and overhanging vegetation, which as above may increase drop offs by car during these times.

If the application is approved, a detailed tree protection method statement should be required. This would need to be closely integrated with detailed landscaping plans to ensure that trees are fully protected during construction. There should also be a specific condition requiring arboricultural supervision on-site during key phases, such as demolition, excavation and laying of new surfacing. A long-term landscape plan should also be required setting out how new planting will be successfully established and how different areas will be maintained into the future.

4.1.7 Hertfordshire County Council – Highway Authority: [No objection]

Recommendation: Recommended Amended Details

Comments: In order for HCC as the Highway Authority to feel satisfied with the application an amendment is requested. It is outlined within the Transport Assessment that the width of the access route into the site is to be widened to 4.5m rather than the 4.8m which was requested within the pre application advice. The 4.8m is once again requested as this will ensure that two cars can pass comfortably, as shown in Manual for Streets figure 7.1. Without an appropriate width, which ensures that wing mirrors are accounted for, which figure 7.1 does not, it is likely that vehicles would overrun the common land, causing more damage than an additional 0.3m widening would.

Furthermore, it is unclear the exact current width of the proposed internal footway which connects to the new pedestrian crossing. According to drawing number AR-00003 Rev P01, the footway is approximately 1.3m wide. A 2m would be recommended to ensure that two buggies or two wheelchairs have the ability to pass one another. 1.5m would be the absolute minimum if 2m is not possible along the entirety of the footway.

Once these amendments and clarifications have been made, HCC as the Highway Authority will be in the position to submit a full response.

Officer comment: The applicant discussed the proposals directly with Herts Highways and the following comments were received:

4.1.7.1 Hertfordshire County Council – Highway Authority (Second comment)

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

Construction Management Plan / Statement

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

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;

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

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

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

Further information is available via the County Council website at:

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

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

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

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

AN4) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be

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

AN5) Common Land: The existing access route crosses land which forms part of registered common land CL035, Croxley Green. The applicant shall be responsible for obtaining any necessary consents that may be required in accordance with the provisions of The Commons Act 2006 (or as subsequently amended). Further guidance can be obtained on the Government website at <https://www.gov.uk/common-land-village-greens> N.B. The applicant may need to consult with and obtain permission from other interested parties and there is guidance on the Government website at <https://www.gov.uk/guidance/carrying-out-works-on-common-land> and on the County Council's website at: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/common-land-and-town-and-village-applications/common-land-and-town-and-village-green-applications.asp>

AN6) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

Comments/Analysis

Description of Proposal

Change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition, construction of extension; ramp access; repairs to boundary wall with associated parking and landscaping works; and widening of existing access track, and alterations to fenestration

Site and Surroundings

The Green is a classified C local distributor route subject to a 30mph speed limit which is highway maintainable at public expense. The access is close to the junction of The Green with Sarratt Road, which is also a classified C local distributor, and Loudwater Lane, which is an unclassified local access route, all of which are subject to a 30mph speed limit and are highway maintainable at public expense. The site is located on the north-western edge of Croxley Green, fronting the green itself. Therefore, the area to the front of the site on which the access route is located, is an area of common land, CL035.

The closest bus stop to the site is located on The Green, approximately 575m to the south of the site. The nearest train station is Croxley which is approximately 1.2km from the site and is served by the Metropolitan line. Both of these lengths exceed the recommended walking distances for walking to transport connections outlined in Planning for Walking (CIHT). Therefore, the site would not be considered to be in a sustainable location in relation to sustainable transport links. A Travel Plan has been provided in relation to improving the sustainability and active travel options to the site; comments relating to the Travel Plan are discussed below.

Travel Plan

A Travel Plan has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The travel plan is considered to be generally acceptable for this stage of the application. Nevertheless, a full TP would need to be updated and secured via a Section 106 planning obligation. A Full Travel Plan will be required to be in place from first occupation until 5 years post full occupation. A £1,200 per annum index-linked RPI March 2014 Evaluation and Support Fee should be secured by section 106 agreement in accordance with Hertfordshire County Council's Travel Plan Guidance. This should incorporate measures to promote sustainable transport, an appointed travel plan co-ordinator and an appropriate monitoring programme.

Full guidance is available at: www.hertfordshire.gov.uk/travelplans or for more guidance contact: travelplans@hertfordshire.gov.uk

The submitted travel plan (TP) will need the following additional information, prior to approval:

- Secondary contact details should be provided along with full travel plan coordinator details once appointed.
- Time allocated to TPC role and where they are based should be specified in the travel plan.
- Please include detail on how cycle repair kits will be promoted/ claimed. How will active travel information be promoted outside of the travel information packs? Will the information be displayed on site (posters or notice boards)?
- Number of cycle parking spaces and type of cycle parking should be specified in the travel plan.
- Targets should be set for each year for the five years of travel plan monitoring.
- More detail is required for monitoring method. Monitoring surveys should take place annually for 5 years (staff surveys, facilities).
- A travel plan review should take place annually and a report should be submitted to HCC within 3 months of data collection.
- The travel plan should be secured through S106 and evaluation and support fee should be paid to HCC.

Access and Parking

The application makes use of the existing access into the site which is a bellmouth shared with the newly renovated care home, Clarendon Lodge. The driveway route is a surfaced concrete structure which runs through the common land. In the highways pre application advice, which was provided by HCC in July 2022, the widening of the existing driveway was discussed. HCC as the Highway Authority recommended that the driveway was widened to a width of 4.8m to ensure that two modern sized cars can pass each other comfortably without the need to divert onto the common land. Within the Transport Statement, it is stated that the proposed width for the driveway is to be 4.5m. 4.8m would be preferred to ensure that not only cars, but larger vehicles such as vans have the ability to pass each other, without having to overrun the common land. Although it is acknowledged that within an email from the transport planner that 4.5m would be the limit for the widening of the driveway to ensure as little works as possible occur on the common land. As it is not highway land and 4.5m would technically be plausible according to Manual for Streets, HCC as the Highway Authority would not maintain refusal on this matter. However, it is to be noted that using this smaller width, some overrunning of the common land would be expected, especially due to the large increase in trips to and from the site which has also been shown in the Transport Statement. A swept path showing two vehicles passing on the access route has been provided in appendix D of the Transport Statement although it is noted that the vehicles used are small cars. It would, however, ultimately be up to the secretary of state to approve of any works on the common land.

Regarding the aforementioned trip rate from the site, in section 5 of the Transport Statement the existing and proposed trip rates from the site have been outlined. Hertfordshire County Council as Highway Authority can only recommend the refusal of planning permission or object to the proposals in the context of paragraph 111 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Following consideration of the anticipated trip generation for the development, the number of vehicle trips associated with the proposed use would not be considered to be severe nor significant enough on its own to recommend refusal from a highways perspective. It is acknowledged that the trip rate at the site during the AM and PM peak will increase by a substantial, but not severe, amount, as shown in table 5.5 within the Transport Statement, contrary to paragraph 7.119 of the Planning Statement which says that there are 'low traffic volumes anticipated'. Furthermore, the site access route is shared with the recently redeveloped Clarendon Lodge. Hence, the previous points made in relation to the need for vehicles to be able to pass one another with ease on the access route into the site from the common.

The application does not propose any alterations that will impact upon the visibility splays from the existing access and due to the location of the access through common land, ample visibility is available in all directions from the nearby junction. It is noted there have been two collisions of a slight severity within the last 5 years nearby the site, but none fronting the access. One of which at the junction of Loudwater Lane and Sarratt Road, and another at the junction of The Green and Baldwins Lane.

Regarding pedestrian access, a separate pedestrian access is proposed to the existing vehicular access. As shown on drawing number 00003 Rev P01, the pedestrian access into the site is proposed in the southeast corner through the boundary treatment. A site visit confirms that the existing boundary treatment at this location is a wooden fence which has collapsed slightly, so there would not be any demolition to the historical wall required. The proposed pedestrian access would link up to an informal pathway which runs through the common land which would connect to a crossing point which is to be installed through contributions connected to the development at the adjacent Killingdown Farm site. In the initial interim response, it was noted that the internal footway at the site was shown to be approximately 1.3m wide. A 2m wide footway would be recommended to ensure that two buggies or two wheelchairs have the ability to pass one another. 1.5m would be the absolute minimum if 2m is not possible along the entirety of the footway.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that the parking arrangements for the site have been shown on drawing number 00003 Rev P01 and within the Parking Management Plan. There is to be a total of 25 parking spaces within the site, with 8 of these being specific drop off spaces. Within the proposed block plan, drawing number 00003 Rev P01, it is not made clear which spaces are specifically for drop off only. Drop off for the site should not occur within the highway, so HCC as the Highway Authority are supportive of the specific drop off spaces within the site. 17 of the parking spaces would be allocated for staff use. In terms of the parking layout, the 6 spaces which are located next to the proposed bin store do not seem fully accessible as vehicles in the rear 3 spaces would become blocked in by the front 3 spaces, which could cause concerns about congestion within the site. The other parking areas have the sufficient 6m behind the spaces which ensure that vehicles can manoeuvre in and out of spaces. Within the Transport Statement, electric vehicle parking has been applied using TDRC parking standards creating 5 charge points and a further 5 spaces with passive charging provision.

Cycle parking has been provided at the site with 4 long term spaces. These spaces should be covered and secure, the proposed plans do not make it evident that they are. HCC as

the Highway Authority would be supportive of any increase to the number of cycle parking spaces to encourage the use of sustainable and active transport.

Refuse and Waste Collection

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location. A refuse store has been outlined in the proposed block plan, drawing number 00003 Rev P01. A refuse vehicle will have to enter the site to collect any waste as per current arrangements according to the Planning Statement. Within the Transport Statement, appendix G shows a 12.1m entering and being able to turn around within the site. It is to be noted that due to the minimal proposed widening of the access route a refuse vehicle and car would not be able to pass each other without overrunning the common land.

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. Appendix H of the Transport Statement shows a swept path drawing which indicates that a fire tender can enter and turn around within the site in order to leave in forward gear.

Construction Management

A Construction Management Plan (CMP) has been requested via condition to ensure that the common land is not negatively impacted by the demolition and construction at the site.

Conclusion

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

4.1.7.2 Officer comment: Given the significant length of time which has passed since the resolution by committee to grant planning permission subject to the completion of a S106 agreement, officers had further discussions with HCC regarding the requirement for a Travel Plan. The following comments have been received.

4.1.7.3 Herts County Council- Local Highway Authority: Third Comment: [No objection]

I had a discussion with our travel plan team and they confirmed that if the 106 would not be possible, then they would be satisfied with securing a travel plan via condition, provided that it includes clear requirement for submission, implementation and ongoing review.

4.1.8 Thames Water: [No objection]

Waste Comments

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed

illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

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

4.1.9 Hertfordshire County Council - Lead Local Flood Authority: [Objection]

This application is for a change of use of existing building from a Care Home (C2) to a nursery (Class E). This includes a partial demolition of an existing single storey extension and construction of a two-storey front extension including spiral stairs, ramp access, green roof, rooflights and vents. Additionally, this application includes repairs to boundary wall, parking and landscaping works, widening of an existing track and internal alterations.

We are concerned about the lack of sufficient and clear information pertaining to this sites drainage strategy. Clarification on the drainage methods and outfalls is required. Alongside this, the drainage hierarchy has been poorly followed, with several methods lacking suitable evidence as to why they cannot be used.

We object to this planning application in the absence of an acceptable Drainage Strategy. The development does not comply with local policies, NPFF or PPG ○ Policy DM8 – Flood Risk and Water Resource.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Informative

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

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Hertfordshire Lead Local Flood Authority and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Applications should use the most up to date FEH2013 data. Other planning applications using FEH2013 rainfall, will be accepted if they are currently at an advanced stage. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at FRMConsultations@hertfordshire.gov.uk.

Officer comment: The applicant submitted additional drainage information and the following comments were received from the LLFA:

4.1.9.1 Hertfordshire County Council - Lead Local Flood Authority (Second comment): [Objection]

This application is a Full Planning application for a change of use of existing building from a Care Home (C2) to a nursey (Class E). This includes a partial demolition of an existing single storey extension and construction of a two-storey front extension including spiral stairs, ramp access, green roof, rooflights and vents. Additionally, this application includes repairs to boundary wall, parking and landscaping works, widening of an existing track and internal alterations.

The LLFA acknowledge that a BRE365 testing report has been submitted for this re-consultation. However, several comments made on the original application have not been addressed. Furthermore, the report should be updated in consideration of the infiltration testing. We are still concerned about the lack of sufficient and clear information pertaining

to the sites drainage strategy. Clarification on the drainage methods and outfalls is required. Alongside this, the drainage hierarchy has been poorly followed, with several methods lacking sufficient evidence as to why they cannot be used. Finally, this application needs to explore the incorporation of above ground SuDS into the proposal and the measures for pump failure.

- We object to this planning application in the absence of an acceptable Drainage Strategy. The development does not comply with local policies, NPFF or PPG.
 - o Policy DM8 – Flood Risk and Water Resource

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing this objection if the issues highlighted on the accompanying Planning Application Technical Response document are adequately addressed.

Informative

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

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Hertfordshire Lead Local Flood Authority and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Applications should use the most up to date FEH2013 data. Other planning applications using FEH2013 rainfall, will be accepted if they are currently at an advanced stage. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

4.1.9.2 Hertfordshire Council Lead Local Flood Authority (third comment): [No objection]

Thank you for your re-consultation on the above site, received on 19 December 2023. We have reviewed the application as submitted and wish to make the following comments.

This application is a Full Planning application for a change of use of existing building from a Care Home (C2) to a nurse's residence (Class E). This includes a partial demolition of an existing single storey extension and construction of a two-storey front extension including spiral stairs, ramp access, green roof, rooflights and vents. Additionally, this application includes repairs to boundary wall, parking and landscaping works, widening of an existing track and internal alterations.

On the previous re-consultation, dated 1 December 2023, the LLFA objected to several points. After reviewing the documentation, the LLFA deems that there has been enough sufficient information provided to satisfy outstanding concerns. To see the outstanding and new comments from the LLFA, see Annex B and C respectively.

We have no objection subject to conditions being attached to any consent if this application is approved. We suggest the following wording. If the following conditions are not included, the development would be contrary to NPPF and local planning policies CS29 Sustainable Design and Construction and Three Rivers SFRA Level 2 and we would object until such time that the details below are submitted for review.

Condition 1: Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (7 December 2023, REF RMA-RC2441) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF Policies of Three Rivers Borough Council.

Condition 2: The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation.

II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.

III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

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

Condition 3: Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 4. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of Three Rivers Borough Council.

Condition 4:

All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (7 December 2023, REF RMA-RC2441), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Three Rivers Borough Council

Informative: Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at FRMConsultations@hertfordshire.gov.uk.

4.1.10 Herts Footpath Section: No comments received.

4.1.11 Herts Ecology: [No objection]

Thank you for consulting Hertfordshire Ecology on the above.

Summary of advice

- There is sufficient ecological information to enable determination.
- The ecological information describes a biodiversity net gain (BNG) of at least 10%.
- The recommendations and enhancements in the ecology report should be followed.
- Bat roosts are present. Condition for evidence of a bat licence, or confirmation of a valid licence, to be sent to the LPA.
- Secure an Ecological Management Plan (EMP) and Construction and Environmental Management Plan (CEMP) by condition.
- The EMP should describe details of the precise impact to the grassland Local Wildlife Site (LWS) from the access widening works and any subsequent bespoke compensation / mitigation.

Comments

The application is supported by a comprehensive ecological report:

- Ecological Appraisal (EA), March 2023 prepared by Greengage

The site was visited in August 2022 and is approximately 0.96ha. It comprises the Grade II listed Croxley House (currently a vacant care home) and associated outbuildings set within hard and soft landscaped grounds (with hardstanding, woodland, scattered trees, hedgerow, neutral grassland, introduced shrubs and a small ornamental pond). Several trees in the grounds are protected by a Tree Preservation Order. Existing access is via the road from The Green.

Trees

There are 40 individual trees and 4 groups of trees on site. I am pleased to see the majority will be retained where possible; however three trees are proposed for removal and this loss should be compensated for. The Landscape Plan shows replacement and enhancement native-species planting, extension of the broadleaved woodland, and creation of an orchard - which are all welcomed.

Local Wildlife Site (LWS)

The open grassland (the Green) directly south of the site is designated as a non-statutory Local Wildlife Site (LWS) for its neutral and acidic grassland interest. The LWS covers 9.49ha and runs south away from the application site. The grassland supports some scarce and locally uncommon species; however, the main interest that supports the most important plants is in the triangular centre of this extensive site, some 140m from the application site.

Slight widening (and upgrading) of the existing access road is proposed and Photos 25 and 26 on page 66 in the Heritage Statement show the proposed widening. The edges of the LWS grassland at the road appear compacted and degraded. In the scheme of things, I consider the loss of approximately 0.044% of LWS grassland in this area to be minimal and of little concern.

However, I am concerned about how much of the LWS grassland will be impacted during the access improvement works by construction vehicles, storage of materials, etc. Details, including compensation / mitigation for any loss of or damage to LWS grassland, are not provided and will be required by the LPA for approval at the appropriate stage of the planning process. The EA states that: "Confirmation of the exact area to be affected will be provided at detailed design stage with appropriate bespoke compensation to be incorporated as required" (para 1, page 29) - this information needs to be secured and approved by the LPA. The EA goes on to say: "However, this could take the form of restoration of acid grassland in areas currently classified as other neutral grassland" – which would be an acceptable option to Herts Ecology. Again, details (on methodology, management and maintenance) need to be secured and approved by the LPA. This information should be included in the EMP (see below) secured by condition.

In addition to the above, care should also be taken to avoid adverse effects from dust and pollution, etc., on the habitats remaining on site and the adjacent LWS grassland from the various construction stages. A Construction and Environmental Management Plan (CEMP) should be produced by condition:

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) for biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
 - b) Identification of 'biodiversity protection zones'*
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
 - d) The location and timings of sensitive works to avoid harm to biodiversity features.*
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.*
 - f) Responsible persons and lines of communication.*
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
 - h) Use of protective fences, exclusion barriers and warning signs.*
- Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.*

Reason

To ensure sensible working practices which protect ecology on and adjacent to this site.

Surveys and report

Sufficient protected species surveys were completed in 2022 and no further surveys are considered necessary for the planning process. Overall, the ecological report provides an adequate assessment of the impact of the proposals and is based on appropriate survey methods and effort. The likelihood of an adverse ecological impact is negligible-low, but the report suggest reasonable precautionary measures to ensure that legally protected species are not harmed. These are in section 5.2 of the EA and should be followed.

As bats were confirmed to be roosting in the main building, a licence from Natural England will be required to proceed lawfully with proposals that will affect the bats and their roosts. Issuing of the licence will rely on up-to-date survey information, and a licence can only be

applied for once planning permission has been granted. So if updated surveys are required by Natural England, they will need to be factored into the development timescale (they need to be undertaken between May and September).

For the planning process and this application, I advise seeing evidence of the bat licence, or confirmation of a valid licence, by condition:

Works to the main house shall not in any circumstances commence unless the local planning authority has been provided with either:

a) evidence of a licence, or confirmation of valid licence, issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity / development to go ahead; or

b) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Development shall then proceed in accordance with that licence and in accordance with the approved ecological report (Ref: Ecological Appraisal, March 2023 by Greengage) unless otherwise agreed in writing with the LPA.

Reason: To ensure protected species (bats) are protected from harm.

The recommendations also include the need for an Ecological Management Plan (EMP), a CEMP (see above), wildlife sensitive lighting, and biodiversity enhancements - and these should also be followed.

The EMP should be secured by condition:

No development shall take place (including demolition, ground works, vegetation clearance) until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:

a. A Description and evaluation of the features to be managed.

b. Ecological trends and constraints on site that might influence management.

c. Aims and objectives of management.

d. Appropriate management options for achieving aims and objectives (for example but not limited to enhancements such as woodland and grassland management (including LWS grassland), native species planting, creation of an orchard, plants of benefit for biodiversity, bat and bird boxes and other features for hedgehogs and invertebrates).

e. Prescriptions for management options.

f. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a minimum five year period).

g. Management responsibilities.

h. Ongoing monitoring and remedial measures.

These works shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the ecological impacts of the biodiversity present are properly addressed on this site, and on the adjacent Local Wildlife Site.

BNG

The report demonstrates at least 10% biodiversity net gain for both area (habitat) and linear (hedgerow) uplift. Although not yet mandatory, this is commendable and I have no doubt that the proposed measures and suggestions, if secured in the EMP, will provide meaningful net gain.

4.1.12 Herts and Middlesex Wildlife Trust: No comments received.

4.1.13 National Amenity Society: No comments received.

4.1.14 TRDC Environmental Health (Commercial): [No objection]

Air Quality: I have reviewed the Air Quality Assessment prepared by BWB (Document ref. 232404-AQA-0001). An assessment of construction phase impacts has been undertaken and mitigation measures have been recommended to minimise emissions. With the implementation of these measures, the impact of construction phase dust emissions is considered to be not significant.

The predicted trip generation for the proposed development does not exceed the relevant screening criteria for a development outside of a an AQMA, therefore dispersion modelling was not undertaken. Air quality impacts as a result of additional road traffic emissions associated with the site are considered to be not significant.

The measures proposed as part of the development (discussed in section 6 of the Air Quality Assessment) that may be beneficial to air quality are welcomed.

I would recommend that a condition requiring the submission of a dust management plan be applied to any permission granted. The dust management plan should incorporate the recommended mitigation measures detailed in Table 5.5 and Table 5.6 of the Air Quality Assessment.

Land Contamination: Online historical mapping shows that the site had been developed by the mid-19th century, Croxley House is shown on the map published in 1868, there do not appear to have been any significant changes on site until the early 1960s, the site is labelled Croxley House (Old People's Home) on the map published in 1961, however, the layout of the site remained unchanged.

The site does not appear to have had a previous potentially contaminative use. The residential use of the site is unlikely to have given rise to anything more than diffuse anthropogenic contamination. Any unexpected contamination encountered during the development shall be reported to the LPA. Based on this, the following contaminated land condition is recommended on this and any subsequent applications for the site.

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

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

4.1.15 Affinity Water: No comments received.

4.1.16 TRDC Environmental Health Officer (Residential): [No objection]

The Environmental Noise Assessment prepared by Entran Limited, has been demonstrated that indoor noise levels would meet the standards set out within the Building Bulletin BB 93 Acoustic Design of Schools: Performance Standards. Since the building and its grounds will be used as a nursery, Environmental Health do raise concerns that the noise assessment has not considered the impact of noise associated with 122 preschool children utilising the

outdoor gardens which you can expect would include shouting, screaming, and crying. Although justification for this has been provided within the assessor's comments in paragraph 1.4, the noise from children should be considered as part of the noise assessment.

Based on the information, provided Environmental Health do not wish to restrict planning permission but we would ask for an additional noise assessment to be completed which assesses the potential impact of noise associated with 122 preschool children utilising the outdoor spaces.

Officer response: With regard to the Environmental Health Officer's comments; the following comments were received from the applicant:

We have received the below response from our noise consultants in relation to the request for an additional noise assessment. We would be grateful if EH could review this and confirm if they are happy with the AGP noise level as a suitably cautious value and that the below methodology is accepted.

To reiterate our previous comment, there are no residential facades immediately overlooking the outdoor nursery space. The nearest residential façades are at the care home, approximately 40m south west of the garden area (based on the ground floor plan obtained from planning application 16/0964/FUL). The care home rooms are partially or completely screened by the Clarendon Lodge building. The main care home amenity area is completely screened as it is sited within an enclosed courtyard. Additionally, we would not expect 122 children to be outside shouting, screaming, and crying at all times.

Turning to the noise from the garden area - There is no generally adopted source level for children playing outdoors. As a cautious consideration, I suggest we might adopt a level such as the average level attributed to outdoor AGP sports pitches as provided by Sport England (typical sports sessions - football, hockey, rugby, including perimeter strike boards). This level is given as 58 dB at 10m from the halfway sideline.

If we apply this as a continuous LAeq,T at 10m from the boundary of the garden, applying a simple $10 \cdot \log r$ distance correction results in an indicative level of 52 dB at the nearest residential façade. The residential facades appear to be either inwards facing or screened by the Clarendon Lodge and Croxley House buildings. If we apply a cautious -5dB correction for partial screening we arrive at a value of 47 dB LAeq,T. A further -15 dB due to partially open windows gives a level of 32 dB LAeq,T. The residential criteria for daytime resting is 35 dB LAeq,16hr with a desirable guideline value of 50 dB for outdoor amenity space. Both of these values would be attained at the nearest residential façade, based on the calculation above.

With further reductions due to distance and screening the noise levels at Clarendon Lodge are unlikely to be significantly high.

4.1.16.1 Officer comment: The Environmental Health Officer has provided further comments as follows:

Having reviewed the comments from the noise consultant provided below, my concerns around the potential impact on Clarendon Lodge have been satisfied. As such, I do not have an objection to the proposal.

4.1.17 National Grid: No comments received.

4.1.18 TRDC Environmental Protection: No comments received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 18

4.2.2 No of responses received: 106 in support.
1 objection.

4.2.3 Site Notices for both applications: Expired: 13.05.2023

Press notices for both applications: Expired 06.05.2023

4.2.4 Summary of Responses: [Objection]

No objection to principle of change of use, however, the proposed elevations/extensions are not in keeping with a Grade II Listed property.

4.2.5 Summary of Responses: [Support]

Will provide much needed childcare for local residents in a wonderful setting.

Will bring a now disused building and bring it back to life and modern standards.

The site is large and offers a space for children to learn without the need for mass redevelopment.

The development will provide investment in the fabric of Croxley House and the immediate surrounding area.

The benefits to the local economy and community are also clear, providing additional jobs and supporting productivity of parents who are then able to return to work.

Support application to support the provision of high- quality childcare in our local community.

Imperative to ensure children have the best possible start to life and for parents to be able to access high quality childcare provision in order to work and support local infrastructure.

Boys and Girls Croxley is a valuable addition to the existing Croxley Community, support this much needed asset to the local community.

Boys and Girls Nursery are a well known local organisation who are integral to the local economy, community, childcare solutions and lifeline to working parents;

Boys and Girls Nursery is a wonderful place and want to ensure it has a secure long term future in our community.

The documents propose a long term solution to a local business which supports the local community. Local nurseries have faced a lack of support when most needed such as Morris Minors.

As a member of staff and as a parent of a child attending this nursery, I full support the application.

The Council has a duty to support the application especially in view of the new government policy giving free childcare to 1 and 2 year olds.

The demand for places will increase as the government's plans for extended 'free' childcare come into place.

There are few places where childcare facilities are able to be set up locally.

Imperative to provide access to early years provision, to ensure that children have best start to life, and for parents to be able to access high quality childcare to return to work and support the local infrastructure. Without this, does the Local Authority have alternative plans to support working parents and support the growth and education of the youngest stakeholders in the community.

Childcare in the areas is sparse at best and with new development in the area, the need for more options will increase.

There is a long waiting list at the Nursery in its current location and the local population is only set to increase due to the large development approved at Killingdown Farm.

The Council has let 2 local nurseries close recently for example Morris Minors (rated Outstanding by Ofsted), which closed as they could no longer lease the building. I hope the Council will compensate for this by supporting Boys and Girls application to ensure their long term future.

The plans are sympathetic to the existing building and will provide a fantastic setting for the children.

Having worked for the company for more than 10 years, 7 of which were with the current Croxley Branch, I can say with confidence that the renovations and changes will be made with respect to the character of the existing building.

The proposal gives minimal impact to the area that would have otherwise been there in its previous uses. Any impact there may be, will be outweighed by the benefits they will provide.

Childcare in the area is sparse at best and with new development in the area (Killingdown Farm) the need for options will increase.

Without nurseries in our area; there would be a significant reduction in childcare provisions, job losses and local people having to look further afield to find childcare provisions.

New location will be an improvement to the facility that if not approved would be a great loss to the community.

Large site and would offer a great place for children to learn and grow without the need of mass redevelopment.

Will make use of a disused building and bring it back to life and modern standards.

Research shows that high quality Nursery Education and care has positive and long lasting impacts on our children's outcomes.

Benefits to the economy including additional jobs and supporting parents who are then able to return to work.

4.2.6 Herts County Council (Children's Services): Whilst not formally consulted by TRDC, Children's Services provided comments in support of the application.

I am writing this email in support of the above applicants planning application.

As a local authority we have the statutory requirement to ensure that working parents have access to good quality childcare to enable them to work and or study. In this area of Three Rivers there is a need for childcare which is currently provided by your applicant for working parents. If this childcare provision planning application was to be rejected this will have a

detrimental impact on those parents currently in receipt of this childcare and impact on their working ambitions.

Long term this planning application will support the governments ambitious childcare expansion plans for working parents.

5 Reason for Delay

- 5.1 To allow for issues identified by officers and consultees to be addressed and further amendments to be sought.

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 Legislation

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

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

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.

6.3 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 CP1, CP2, CP3, CP6, 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, DM8, DM9, DM10, DM11, DM13 and Appendices 4 and 5.

The Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018). Policies CA1, CA2, H01, H03, RE3.

6.4 Other

The Croxley Green Conservation Area Appraisal

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 wanted and are able to live and work. The priorities for the future are amongst other things, to provide growth required to support local communities and provide for their needs in the most sustainable way possible, to improve access to housing and affordable housing and to recognise opportunities to improve and enhance the built, historic and natural environment wherever possible. In order to implement and deliver the Local Development Framework's Vision, Strategic Objectives have been identified which include; to balance the community's need for future homes and jobs by providing sufficient land to meet a range of local housing needs.
- 7.1.2 Policy CP2 (Housing Supply) of the Core Strategy states that providing sufficient housing to meet the needs of local communities in a sustainable way is one of the key challenges facing Three Rivers. It further states that, amongst other things, development in the District, needs to provide an adequate and continuous supply of housing, provide a range of types and sizes of homes to meet needs at an appropriate density; and address local affordability issues. Policy CP3 (Housing mix and density) sets out that the Council will require housing proposals to take into account the range of housing needs in terms of the size and types of dwellings as identified by the Strategic Housing Market Assessment and subsequent updates. This includes the provision of housing for the elderly, and supported and specialist housing which will be encouraged in suitable and sustainable locations.
- 7.1.3 Policy SA1 (Housing Site Allocations) of the Site Allocations LDD (adopted 2014) states that, in view of the need for new housing in Three Rivers, the benefits of building new homes in Three Rivers would be undermined if the stock of existing housing were to reduce. Therefore, the Council's starting point is to protect existing housing in the District. Furthermore, it is noted that the LPA cannot currently demonstrate a 5 year land housing supply.

- 7.1.4 The existing building historically provided an elderly person's care home accommodating 33 bed spaces. However, the most recent planning permission for Croxley House, resulted in alterations to the existing building and a reduction in the number of bed spaces within Croxley House itself to 24 beds. In addition, the permission included, the provision of a new 40 bed care home facility known as Clarendon Lodge being located immediately adjacent to the host building. This permission has been implemented and is therefore a material planning consideration. It is noted that Care Homes do contribute towards the District's housing stock and when applying the Council's conversion rate of 1.9 C2 bedrooms to 1 market dwelling, it would mean based on the most recent permission, that the current proposal would result in the net loss of 13 residential dwellings. In addition, it is acknowledged that there is a need for facilities such as care homes within the District. This is clearly stated in the Croxley Green Neighbourhood Plan which states that housing proposals should consider the needs for priority groups, one of which is identified as the *'aging population which specially design accommodation including residential homes'*. Consequently, the proposed development would result in an objection due to the net loss of housing, and elderly persons accommodation which would be contrary to Policies CP2 and CP3 of the Core Strategy (adopted October 2011) and Policy SA1 of the Site Allocations Document.
- 7.1.5 With regard to the loss of elderly persons accommodation, it is noted that Croxley House has remained vacant since January 2021. The supporting information sets out that Croxley House as currently existing does not meet the required care standards and legislation. In addition, the last Inspection Report published by the Care Quality Commission in May 2021 (visit undertaken in December 2020) identified that the overall rating for the care home was inadequate. Officers have visited the site and viewed the building internally; and have observed that the corridors are narrow, that there is not level access with varying floor level changes throughout the building. Some of the rooms within the building are considered small, and do not have full ensuite facilities. Prior to its closure, planning and listed building consents (see para 1.3 and 1.4 above) were granted for works to the existing Listed Building to allow the building to meet modern standards. The works included the widening of existing corridors, the provision of level access and internal alterations to create rooms which met current care standards. However, the changes proposed resulted in a reduction in bedrooms from 33 to 24. It is understood that these changes were never implemented due to viability concerns regarding the changes and the loss of bedrooms.
- 7.1.6 Following the closure of the Care Home, Croxley House was marketed from 4th November 2021-4th May 2022. Whilst it is not considered that this is a significant period of time, there is not a set period defined in National or Local Policies as being suitable for marketing a property. Furthermore, it is noted that during this period a total of 112 enquiries were received, there were 31 viewings and a total of 9 offers. The supporting information highlights that the majority of initial interest was from residential developers, however, the general feedback was that there were concerns regarding the listed status of the building, its layout and that it would be too challenging to convert it into residential dwellings. Other developers considered the possibility of a conversion to 9 flats, however, the overall cost of conversion raised concerns that such a development would not be deliverable. An initial offer was accepted from a residential developer, however, this offer was subsequently withdrawn due to funding issues. The supporting information also notes that enquiries were received from care providers, some of which withdrew interest due to the location of the building as it is now adjacent to the new care home 'Clarendon Lodge'. Other care providers raised concerns that due to the buildings' listed status and the cost of modernisation, that the development would not be viable. As such, weight must be given to the significant length of time that the building has remained vacant for, the length of time the building was marketed for and that the existing building is not fit for purpose for use as a modern care home. It is acknowledged that since this application was first considered by Committee in November 2023, that a subsequent application for residential development has now been granted. However, as this permission has not been implemented to date, the building remains vacant and therefore this is still afforded weight.

- 7.1.7 Whilst the net loss of housing is acknowledged, Policy SA1 (Housing Site Allocations) does state that permission will not be granted for development resulting in the net loss of housing unless conversion to other uses is necessary to provide a small-scale facility and provided that the surrounding residential area is not adversely affected. In this case, the applicant is seeking planning permission to change the use of the building to a nursery. The supporting information provided by the applicant sets out that the redevelopment of Croxley House would provide a new setting for the existing Boys and Girls Nursery which currently operates from Croxley Business Park. The existing nursery offers 72 registered places (the nursery caters for 72 full time equivalent spaces on site at one time) and serves local residents within the district and surrounding areas. The current site at Croxley Business Park is within the freehold of Watford Borough Council and the current nursery only has a three year lease on the site. The site owner is not considering a long term nursery use of the site, and has instead signalled an intention to redevelop the site for employment purposes. Therefore, there is a need to relocate the existing nursery and for it to remain local in order to continue to serve existing users of the nursery.
- 7.1.8 Furthermore, the existing nursery at Croxley Business Park is operating at capacity, and it is understood from the supporting information that the owners turn away 25-30 enquiries per month, with their existing site in Rickmansworth also turning away 40-55 enquiries per month. Therefore, there is a demonstrated demand for this type of child care within the area. The applicant also notes the closure of another local pre-school within the area, St Oswalds Preschool in Croxley Green was operating at capacity and closed in 2022 which, along with the ongoing construction of other housing developments in the vicinity will likely increase the demand further. Herts County Council have also provided comments in support of the application stating that in this area there is a need for childcare which is currently provided by the applicant for working parents. The Development Officer at HCC notes that the loss of the nursery would have a detrimental impact on existing parents currently in receipt of this childcare and their working ambitions. It is understood that the applicant has searched for some time for other suitable sites to accommodate the nursery use. However, for varying reasons, these sites have not been deemed as suitable. Croxley House is viewed by the applicant to provide the best location and setting for this use as well as providing space to cater for existing and future demand. It is however, noted that since the time the original planning application was considered by Committee, that a further pre-school for children from age 2 has opened at Malvern Way School in Croxley Green.
- 7.1.9 The applicant suggests that the proposed development would provide a community facility in accordance with Policy DM12 of the Development Management Policies LDD. The supporting text to Policy DM12 does set out schools to be a community use and it is viewed that a nursery/preschool would also fall under this category. In addition, 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'*. In accordance with Policy DM12 of the Development Management Policies LDD, the proposal does seek to address a shortage of places for early years education. In addition, the site occupies an edge of settlement location and is therefore considered accessible. Furthermore, the NPPF, seeks to promote healthy and safe community and states the following at paragraph 93:
- To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (not limited to):*
- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*

- c) *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community;*

7.1.10 It is also 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 ends. At present, parents who work more than 16 hours a week, and earning less than £100,000 are entitled to 30 hours free childcare for children ages 3-4. This will be extended so that working parents of all children over 9 months will be entitled to 30 hours of childcare and this will be rolled out in a staggered approach, commencing in April 2024. This therefore emphasises the importance being placed upon childcare provision centrally in order to help more parents return to work. The Development Officer at HCC has also stated that 'long term, this planning application will support the government's ambitious childcare expansion plans for working parents'. Since the time the application was originally brought to committee, it is noted that free childcare has been extended for children aged over 9 months. Consequently, it is still considered that the redevelopment of Croxley House as proposed by this application would ensure that the service would be retained for the benefit of the community in accordance with the provisions of the NPPF.

7.1.11 In summary, it is considered that significant weight must be afforded to the fact that the site has been vacant for a considerable length of time, and that the building as existing is not fit for its purpose as care home. It is also noted that prospective buyers have raised concerns about the potential use of the building for a residential use because of its listed status and current condition. Indeed officers note that often the conversion of a house, particularly a listed house, can result in the original plan form being lost into discreet flats which does not preserve the significance of listed buildings. Whilst the loss of housing is acknowledged, Policy SA1 does allow for this where conversion to other uses is necessary to provide a small scale facility. In this case, the building has been vacant for two years, and it has been demonstrated that the provision of a nursery in this location would provide a service to residents of the district and the wider locality. The importance of such a service has been signalled by the Government in the 2023 budget and its announcement to extend free childcare provision from April 2024. Consequently, based on the site circumstances, it is considered that using the existing building as a nursery would outweigh the loss of dwellings, and the lawful use of the site as a care home particularly given it is highly unlikely that the existing building would be used as a care home in the future. Consequently, the principle of the proposed use is acceptable, subject to the relevant material planning considerations outlined below.

7.2 Impact on the Green Belt

7.2.1 The National Planning Policy Framework 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 Belts are their openness and their permanence. The National Planning Policy Framework sets out that Green Belt serves five purposes:

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

7.2.2 Paragraph 153 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- 7.2.3 The construction of new buildings in the Green Belt is considered inappropriate however Paragraph 154 sets out a number of exceptions to inappropriate development which include:
- 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.**
- 7.2.4 Paragraph 154 of the NPPF also advises that ‘other forms of development are also not inappropriate in the Green Belt provided they preserve openness and do not conflict with the purposes of including land in it’. This also includes engineering operations and the reuse of buildings provided that the buildings are of a permanent and substantial construction.
- 7.2.5 Core Strategy Policy CP11 sets out that the Council will maintain the general extent of Green Belt in the District and ‘will encourage appropriate positive use of the Green Belt and measures to improve environmental quality. There will be a 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. Development Management Policy DM2 notes that “As set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below”. Relevant to this current application is B) Extensions to buildings in the Green Belt which states that extensions which are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building’s proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account.
- 7.2.6 Policy DM2 of the Development Management Policies LDD also relates to ‘reuse- and conversion of buildings in the Green Belt. This sets out that the following:
- The Council will only support applications for the re-use/conversion of buildings in the Green Belt where:
- iv) the form, bulk and general design of the building is in keeping with the surroundings
 - ii) any proposal by way of alterations/extensions, parking/turning areas, modifications to access or landscaping does not have a significant adverse effect on the openness of the Green Belt and does not appear excessively prominent
 - iii) the scale of the proposed use is not likely to have a detrimental effect on the locality (e.g. by noise, smell or bringing heavy traffic into narrow lanes or involving uses not appropriate to the Green Belt or areas of open land)
 - iv) the building is suitable for reuse/conversion without extensive alteration, rebuilding and or extension
- 7.2.7 Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the NPPF are not materially different between the two. It is considered, accordingly, that Policy DM2 is in accordance with the NPPF and may be afforded weight.

- 7.2.8 In this case, it is considered that the proposed development can be considered under criteria 154 (g) of the NPPF which relates to the 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. In this case, the application site would be considered as previously developed land which is defined by the NPPF as:

Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.

In this case, the application site consists of a large two storey detached building and its associated curtilage which was most recently used as a care home. As such, it is officers view that the proposed development can be considered under exception 154 (G). In addition, alterations to the access road which shall be discussed below are considered as an engineering operation which is appropriate under paragraph 149 of the NPPF.

- 7.2.9 The proposed use: The applicant is seeking to change the use of Croxley House to a nursery accommodating 122 spaces. In this case, Croxley House is an existing Grade II Listed Building of substantial construction and consequently, it is considered in principle, the building is suitable for conversion to an alternative use. As set out in paragraph 7.2.6, Policy DM2 of the Development Management Policies LDD sets out a number of criteria for the conversion of buildings to be assessed against and these shall be discussed below:

- 7.2.10 With the exception of the extension which shall be discussed later, the main part of Croxley House would remain relatively unaltered externally. The main alterations to the existing building would include alterations to fenestration detail. In addition, there would be a focus on decluttering the site, through the removal of some of the existing outbuildings on the site, the removal of metal railings, the removal of a number of obsolete features fixed to the building and the rationalising of services and drainage runs. Such alterations are not considered to adversely affect the openness of the Green Belt and thus no objections are raised to these external alterations. The decluttering of the site through the removal of outbuildings is considered to be a benefit to the openness of the Green Belt and would enhance the visual amenities of the site. In addition, the plans include alterations to the existing eastern link, resulting in the removal of the existing stepped roof form and creation of a single flat roof form. This alteration would result in reduction in overall height, bulk and massing and is viewed to minimise harm to the Green Belt. As such, there would not be substantial harm to openness in this regard.

- 7.2.11 The proposed development would also include landscaping alterations in order to facilitate the nursery use. The garden to the south of the building would be altered to provide separate play spaces for children of different ages. The plans indicate that the area would generally consist of soft landscaping with additional planting adjacent to the southern boundary. In addition, some of the existing tarmac pathways within the existing garden area to the south would be removed, and further soft landscaping reinstated. These alterations would be considered appropriate and would not impact on the visual amenities or openness of the Green Belt. In order to provide separate play spaces, the plans do indicate the subdivision of the existing garden with 'demountable chestnut pale fencing' of modest height which would be softened with planting. Whilst it is acknowledged that the provision of new fencing would generally be considered inappropriate, its actual harm to the Green Belt is limited given it would be low level, would be dismountable, and would have an open appearance which would respond to the rural setting of the site. It would also be positioned within a well enclosed site. As such, officers do not consider this aspect of the proposed landscaping to result in substantial harm to openness in accordance with Paragraph 154 (G) of the NPPF.

- 7.2.12 In addition, the applicant is proposing to make alterations to the existing hard surfacing on site. This would include the removal of a number of pathways in and around the site which would be considered a benefit and an enhancement to the openness of the Green Belt.
- 7.2.13 Proposed Extension: The proposed development would also involve the demolition of an existing two storey extension located to the west of the building and its replacement with a two storey extension.
- 7.2.14 In terms of floor space, the existing extension to be demolished has a floor space of approximately 240square metres, whilst the proposed extension would have a floor space of approximately 246 square metres. The submitted Planning Statement also notes that the replacement extension will result in a minimal decrease in the overall building footprint from 711 square metres to 708 square metres. It is therefore acknowledged that the proposed replacement extension would not significantly increase the built form on the site. With regard to its siting, the proposed two storey extension would be located in a similar location to existing. It would be no wider than existing and therefore would not result in a further spread of development towards the access road in what is considered an open part of the site. Consequently, it is not considered that there would be increased harm in this regard. The plans also indicate that the extension would not project further forward than the existing front wall of the building when viewed from The Green. In contrast, the existing extension projects forward of the main building line at ground floor level and the Planning Statement notes that there is a very small reduction in the gross external footprint at ground floor level.
- 7.2.15 However, it is acknowledged, that the two storey extension would project further to the north of the site relative to the existing extension. As such, there would be a further spread of development to the north of the site. However, , it is not considered that this would result in substantial harm to openness given that proposed extension would not project beyond the building line of the deepest single storey element which is located to the other side of the building. As such, it is viewed that there would still some containment of built form to the north, and the development would not significantly encroach into the verdant setting to the north.
- 7.2.16 Turning to the appearance, the existing extension has a hipped roof form which steps down from the main roof form. In contrast, the proposed two storey extension would have a flat roof form which would be of lesser height; it is therefore considered that this has resulted in some reduction to the upper bulk and massing of the roof level. It is also noted that during the course the application, the originally proposed capping at roof level has been removed from the plans which creates a more subservient appearance. The design also includes a 'link' element which would be recessed from the main front and rear building line of the extension and the main building, this has the effect of further breaking up the visual massing and bulk of the built form, particularly when viewed from The Green.
- 7.2.17 It is therefore considered that the redevelopment of the site including the proposed extension would not result in substantial harm to the openness of the Green Belt taking into account the scale of the existing building including the existing extension.
- 7.2.18 The Car Park: The main car park would be sited on existing garden land located to the north of the existing host building. In addition, the plans include formalising existing hardstanding to the north of the building in order to facilitate drop off bays. The area of land in which the main car park would be sited would be largely free from built form with the exception of some low-key ancillary structures. The northern boundary of the site also adjoins open fields, and therefore the character of this area of the site and its surroundings are considered to be predominately open. The proposed car park would extend some 23.5m in depth into the garden land, and with its rectangular footprint would appear urbanising within this open and verdant setting. This harm would be exacerbated by the presence of parked vehicles which would also have a physical impact on openness. As such, it is considered that the proposed car park would result in a spread of urbanising development which would result in some spatial and visual harm. However, the site is contained when considering its

location immediately adjacent to Clarendon Lodge and its associated facilities and being bound by Little Green Lane. Whilst the rear boundary is more open, there is vegetation along the boundary which visually contains the site. In addition, the car park would be set within the landscaped setting with significant amounts of soft landscaping retained on the site. Furthermore, the applicant has put forward the proposals as a whole will result in the total area of impermeable and permeable surfaces decreasing from 2,617sqm to 1954sqm, a reduction of approximately 25%, although it is noted that some of this as a result of the removal of relatively low key pathways. It is therefore considered that there would be a moderate level of visual and spatial harm to openness of the Green Belt as a result of the proposed car park. However, given the context of the site, and the siting of the car park, it is not considered that the harm would be substantial in the context of Paragraph 154 (g) of the NPPF.

- 7.2.19 Alteration to access road: The existing building is served by a narrow access road which extends across the existing common. It is low key in its appearance, with no road markings, and does not have a visual impact at present on the openness of the Green Belt.
- 7.2.20 In order to serve the proposed use, the applicant is proposing to make alterations to the existing road, which would involve increasing its width from its existing maximum width of 4.1m to a maximum width of 4.5m, and undertaking resurfacing works. The alterations to the access road would constitute an engineering operation. Under paragraph 154 of the NPPF, such operations are considered to be an appropriate form of development so long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 7.2.21 The submitted plan demonstrates that the widening would be minimal when viewed in the wider context of The Green; and consequently, officers consider that the modest increase in width would not result in a spatial or visual impact to the openness of the Green Belt and consider that this alteration would not materially impact on the Green Belt in this location. Furthermore, whilst the road would be re-surfaced in order to ensure a suitable condition; it would not be formally marked in any way which would prevent the visual appearance of the road from being urbanised or unduly prominent within this semi-rural context. Given the minimal alterations, it is not considered that the visual appearance of the road would appear dissimilar to the existing situation. A condition could be attached to a consent to require full details of the proposed surfacing of the access road to be submitted prior to any works. As such, no objection is raised to the physical widening of the road from a Green Belt perspective. The proposed development is therefore considered to be acceptable and in accordance with paragraph 150 of the NPPF and Policy CP11 of the Core Strategy.
- 7.2.22 Use of the access road: As set out above, the alterations to the access road are required in order to facilitate the provision of two-way traffic to and from Croxley House and the adjacent care home. Whilst, no objection is raised to the physical alteration of the road, one must also consider whether the actual use of the road would result an impact to the openness of the Green Belt. Policy DM2 of the Development Management Policies sets out that the scale of a proposed use should not have a detrimental impact on the locality e.g., by bringing heavy traffic into narrow lanes or involving uses not appropriate to the Green Belt or areas of open land.
- 7.2.23 At the present time, the existing access only serves Clarendon Lodge, the new care home sited adjacent to Croxley House (due to the currently vacant status of the host building). However, it is noted that the implemented planning permission for Clarendon Lodge would have allowed for the use of the access road to serve both buildings as care homes. The Transport Statement does not set out the total trip generation for the authorised use of both buildings had the most recent planning permission been implemented in full (64 bed spaces). Instead, the Transport Statement only sets out the trip generation for the pre-existing 33 bed care home operating from Croxley House historically. Paragraph 5.5 of the submitted Transport Statement sets out *that 'the weekday trip generation associated with the existing 33 bed care home should only generate approximately 68 vehicle two way trips*

a day of which less than 5 vehicles two way trips would be generated during the AM peak and 4 vehicle two-way trips during the PM Peak'. However, as set out, the actual trip generation associated with 64 beds operating across both sites would be increased relative to the above figures.

- 7.2.24 The Transport Statement notes that the trip generation associated with a nursery would be increased relative to the lawful use of the site as a care home. Paragraph 5.10 of the Transport Statement notes that the weekday trip generation association is therefore anticipated to generate approximately 237 vehicle movements of which 40 would be generated during the AM Peak and 30 in the PM Peak. Paragraph 5.11 of the Transport Statement goes on to say that *'over the course of the period analysed from 0700-20.00 there is a total increase of 173 vehicle movements, this equates to an average increase of 13 vehicle movements an hour'*.
- 7.2.25 Based on the above, it is therefore acknowledged that there would be a significant intensification of use of the access road. However, it is considered that the impact on the Green Belt would be minimised by the nature of the proposed use of the site. The nature of the use of the building as a nursery means that whilst vehicle movements would be significantly intensified at certain peak times of the day, the use of the access road would be minimal at other points during the day, with no use of the road to facilitate the nursery use after staff had left for the day. Furthermore, the nursery would not operate at the weekend, which means that there would be no vehicle movements associated with the use for two days of the week. It is therefore acknowledged that whilst there would be an intensification of use, given the nature of the intensification, it is not considered that this would result in significant adverse harm to the openness of the Green Belt.
- 7.2.26 Summary: In summary, Croxley House is considered to be a previously developed site within the Green Belt which currently contains a large two storey building. The site is currently vacant and has been most recently used as a Care Home. It is acknowledged that the proposed development including the extension, car park and increase in activity by reason of the proposed use would result in some harm to the openness of the Green Belt. However, as set out above, it is considered that given the existing site circumstances including the existing scale of the development, its siting and contained nature of the site, that the proposed development would not result in substantial harm to openness which is the test set out under paragraph 154 (g) of the NPPF. As such, the proposed development is considered to be an appropriate form of development and in accordance with Paragraph 154 (g) of the NPPF. In addition, the alterations to the access road are also considered to be appropriate and would be in accordance with the provisions of paragraph 154 of the NPPF/
- 7.3 Impact on Heritage Assets.
- 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 host building is a Grade II Listed Building and also located within the Croxley Green Conservation Area and as such Policy DM3 of the Development Management Policies LDD is relevant. With regard to Listed Buildings, it advises;

The Council will preserve the District's Listed Buildings and will only support applications where:

i) The extension/alteration would not adversely affect its character as a building of special architectural or historic interest both internally or externally or its wider setting

ii) any change of use would preserve its character as a building of special architectural or historic interest and ensure its continued use/viability.

7.3.3 With regard to Conservation Areas, Policy DM3 of the Development Management Policies LDD, advises that development will only be permitted where:

i) is of a design and scale that preserves or enhances the character or appearance of the area

ii) Uses building materials, finishes, including those for features such as walls, railings, gates and hard surfacing, that are appropriate to the local context

iii) Retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including gardens, roadside banks and verges

iv) Retains and restores, where relevant, traditional features such as shop fronts, walls, railings, paved surfaces and street furniture, and improves the condition of structures worthy of retention

v) Does not harm important views into, out of or within the Conservation area

vi) Protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the character and appearance of the Conservation Area

vii) Results, where relevant, in the removal of unsympathetic features and the restoration or reinstatement of missing features.

7.3.4 The Croxley Green Conservation Area Appraisal is also relevant and sets out the following with regard to Croxley House:

'Opposite Killingdown Farmhouse stands the grand grade II listed late eighteenth century Croxley House. This substantial red brick house has a powerful presence at the north end of Section C and the whole area. In the recent past, Croxley House has been extended using appropriate materials. However, the wall which surround the entire house and estate, being not only an integral part of the Conservation Area but also the curtilage of a Listed Building, has been allowed to deteriorate and decay and is now in an appalling condition.....

In the grounds of Croxley House stands an important Grade II listed well house, complete with its original winding gear. Opposite the well house, and possibly part of an original farm stands an unlisted barn with visible timber framing. This barn is sadly at risk, a portion of having already collapsed at the time of writing'.

7.3.5 The Croxley Green Neighbourhood Plan also refers to Croxley House as dominating the northern end of The Green.

7.3.6 Proposed Extension: The proposed development includes the replacement of an existing two storey extension which derives from the late twentieth century. It is set over two stories and is of red brick construction with a hipped roof form. This extension is located to the west of the existing building, adjacent to the existing access road and is highly visible in long views from The Green. It is acknowledged that the existing extension has a poor and awkward relationship with the form of the original building and arguably detracts from the appearance of the Listed Building. As such, the Conservation Officer has raised no objection to its demolition and the principle of a replacement extension in the same location subject to an appropriate design.

7.3.7 The proposed two storey extension would also be located to the west of the building and is referred to as the 'Western Pavilion', with the applicant seeking a contemporary approach

to its design. The proposed extension would have a flat roof form and would be linked to the main body of Croxley House by a two storey glazed 'link' element. The Conservation Officer has raised no objection to the principle of a contemporary design approach, however, did raise an objection to the original plans, considering that the increased height, depth, roof detailing and fenestration detail would result in a more bulky and prominent extension. The extension was considered to be excessively deep, with the bulk being further exacerbated by its overall height. The proposed roof capping indicated on the original drawings was considered to add further unnecessary bulk to the extension, thereby increasing its prominence. The height of the extension was indicated as sitting above the height of the eaves of the existing host building, which resulted in the extension as having an awkward appearance.

- 7.3.8 Furthermore, the glazed 'link' was also considered to be a prominent addition by reason of its depth, height, width and design. The 'link' failed to appear as a discrete addition, and failed to function as ancillary link between the extension and host building. Rather than appearing as a subservient addition to the Listed Building, the extension as originally proposed was viewed to have a competing and prominent appearance. The proposed development therefore was viewed to adversely affect the special character of the Grade II Listed Building and would have undermined its significance, contrary to Policy DM3 of the Development Management Policies LDD. Furthermore, as already highlighted, the existing host building dominates the northern end of The Green and this area of the Croxley Green Conservation Area, with the western and southern elevations in particular being prominent from a number of long range view points. Consequently, for the reasons highlighted, it was considered that the proposed development would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Policy DM3 of the Development Management Policies LDD.
- 7.3.9 In response, an initial set of amended plans were received in July 2023. The amendments included the reduction in the depth of the glazed 'link', the removal of the roof capping and alterations to the proposed fenestration detail within the extension. However, the Conservation Officer continued to raise objections, stating that the extension would still be a more bulky addition. In addition, the Conservation Officer raised concerns in relation to the fenestration detail, stating that the windows within the extension would be larger than the host building; therefore the wall to glazing ratio proposed resulted in a poor relationship with the host building. With regard to the amendments to the 'link'; the Conservation Officer considers that it fails to function in this way due to its excessive height, width and its thick framing. It would fail to appear as a discrete structure, and whilst the reduction in depth is noted, it is not considered that this in itself addresses the concerns in relation to its overall height, width and its relationship with the existing building. Furthermore, it was considered that the scale of the link as currently proposed coupled with the large extent of glazing further exacerbates the visual prominence of the extension.
- 7.3.10 Following further discussions with officers, the applicant submitted further amendments in October 2023. The fenestration detail within the extension has been further revised, such that the width of the proposed windows within the main extension would match the width of the window openings in the original building. The location of the door has also been sited centrally such that it mirrors the central door in the existing eastern extension. In addition, the fenestration within the proposed 'link' has been reduced in scale. For both the northern and southern elevations, the link would be divided into four equal bays, with the flanking bay consisting of solid timber panels, with a solid timber cill added at ground floor level.
- 7.3.11 The removal of the roof capping as originally proposed has resulted in a reduction in bulk and results in the roof form being read to be more in line with the eaves of the existing building. Furthermore, the proposed building line of the southern elevation would project no further forward than the main southern building line, which is viewed to be an enhancement relative to the existing situation where the existing extension projects forwards, and sits awkwardly against the existing host building. Whilst it is acknowledged that the existing main projecting element is at ground floor level only, this still results in an unsightly and

awkward relationship with the existing host building and is also visible from within the wider Conservation Area. The proposed extension should also be viewed in conjunction with other external alterations to the southern elevation. The applicant is proposing to remove the existing stepped roof form over the existing 'late Victorian addition' to the east of the building and a linear flat roof form would be created. Consequently, this creates a more balanced appearance to the building and emphasises the original core of the host building.

- 7.3.12 The revised fenestration detail would appear more modern, however, would reflect the widths of the existing openings within the building, such that the visual appearance would not compete with the detailing of the existing Listed Building. With regard to the proposed link, it is acknowledged that the Conservation Officer has raised concerns regarding a two storey addition in this location, however, officers consider that its visual impact would be minimised given it would be of lower height than the main body of the extension and would be of reduced depth and would be recessed such that it would not be viewed to be competing with the Listed Building. Furthermore, the reduced extent of glazing and the addition of timber panels, would further reduce its visual prominence and it is officers view that it would appear more discrete. It is therefore considered that the proposed amendments have overcome concerns, and it is not considered that the proposed development would significantly adversely impact on the visual appearance of the Listed Building and would conserve the character and appearance of the Croxley Green Conservation Area. A condition shall be attached to any consent requiring full details of external materials to be submitted and approved in writing.
- 7.3.13 External Alterations: Alterations to fenestration detail are proposed as part of the application. Windows make an important contribution to significance of a listed building. Whilst some windows may not be original, they may still be historic and contemporary to various construction phases of the listed building. They are therefore of architectural and archaeological interest and contribute positively to the significance of the listed building. As per best practice guidance set out by Historic England, there is always a preference to repair windows that contribute to the character of the listed building over replacement.
- 7.3.14 The original plans proposed alterations to glazing within the 19th century extension. The Conservation Officer raised objections to this, considering that it was overly modern and did not reflect the character of the host dwelling. This aspect of the proposal has now been omitted and thus no objections are raised in this regard. Likewise no objections are raised to the alterations to the eastern, late Victorian and interwar extensions, with the removal of modern windows in the ground floor northern elevation raising no objections. However, the plans still include the proposal to lower cill heights within the later extended wings, and the Conservation Officer considers that this would still result in the unnecessary loss of historic fabric. In response, the applicant has stated that the intention is to salvage the bricks so that they can be used to block the up the non original window in the northern elevation. The blocking of the window is considered to be an enhancement as it will enhance the appearance of the building elsewhere. As such, it is not considered that the proposal would result in significant harm due to a further heritage benefit to the external appearance of the building.
- 7.3.15 Other external alterations include the removal of railings associated with the previous use of the site. There is a heritage benefit in this regard as it results in the removal of visual clutter around the building which at present detract from the setting of the Listed Building and the visual amenities of the Conservation Area. The submitted Design and Access Statement Addendum Document (October 2023) also highlights that over time, the existing building has accumulated varying components fixed to the façade, including rainwater pipes, soil vent pipes, external lights and two concrete access hatches to the basement. It is acknowledged that the piecemeal nature of these additions results in a cluttered appearance which further detracts from the appearance of the Listed Building. The removal of these obsolete features and rationalising services and drainage runs would allow historic features such as the existing bow window to become unobstructed. These alterations would

therefore enhance the character and appearance of the Listed Building and must therefore be viewed as a further benefit of the proposal.

- 7.3.16 In addition, the proposals also include the replacement of existing steps and ramps. The existing are acknowledged to be unsympathetic additions, however, the Conservation Officer has objected to their replacements considering that these would be visually prominent due to their scale and their siting as abutting the existing building. However, whilst the concerns are acknowledged, officers consider that the proposal would still result in a reduction in visual clutter to the building itself and across the site. Officers consider that the provision of steps to the northern and southern elevations of the building would not significantly detract from the character and appearance of the Listed Building and that this would still represent an enhancement relative to the existing appearance of the building.
- 7.3.17 Internal Alterations: The former use of the building as a care home has resulted in unsympathetic internal alterations of the Listed Building to facilitate the use. As such, the removal of modern partitions within the building is welcomed and viewed as an enhancement to the building. However, the original comments received note that the derivation of the ground floor wall where a platform lift would be inserted has not been determined. In addition, the Conservation Officer notes that the plans also now include the removal of additional fabric at ground and first floor level to provide a wider entrance into the proposed extension. In response, the October 2023 addendum to the Design and Access Statement advises that this area has been partially opened by removing the render to expose the underlying brickwork. This has revealed a patchwork of older brick, modern brick and infilled openings- where historic brickwork survives, it is damaged and incomplete. As such, it is officer's view that it would be unreasonable to object to the proposed changes in this regard. In addition, some concerns were raised with regard to chimney breasts being covered over as a result of some of the internal changes. The Addendum to the Design and Access Statement October 2023, specifies that the chimney breasts would not be covered over.
- 7.3.18 With regard to internal alterations, the Conservation Officer notes there would be a preference to remove the lobby area to the staff room at first floor level. In response to this, the applicant has advised the following:
- 'This once large room has been subdivided and compartmentalised into seven different rooms, including Three WCs and two bedrooms as well as a corridor. The proposal is to removal all of this, aside from one small entrance lobby. In heritage terms, this is a material enhancement.*
- The proposed staff room at first floor level is located above the primary heritage room and three existing risers required to access this room. A door is required for this space for the purpose of fire safety and to allow the space to be private for staff. As a consequence, a lobby is required at the top of the stairs. This small lobby does not impact the internal elevation where the windows are located and thus the room can still be read as a whole'.*
- 7.3.19 Officers consider that the removal of a number of existing partition walls to open up the majority of the room would be an enhancement relative to the existing situation and the justification for this is noted. As such, it is not considered reasonable to object to this element of the proposal.
- 7.3.20 Landscaping: Policy DM3 of the Development Management Policies LDD requires development to 'protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the character and appearance of the Conservation Area. The main landscaping alterations would include the provision of a car park to the north of the building. This area currently functions as a garden, and forms part of the setting of the Listed Building. The Conservation Officer notes that the proposal would result in the loss of verdant landscaping within the immediate setting of the building and as such there would be a preference for a reduction in the amount of hardstanding, although the

comments received acknowledge that the layout of the car parking has been dictated by the location of the existing trees. As such, the Conservation Officer has confirmed that the car parking may be considered acceptable depending on the surface treatment, and that less formalised bays would be preferred. In response, the applicant has advised that the bays would be marked by low key red pavements, surrounded by landscaping. In addition, they have advised that it would not be practical for parking bays to be unmarked, however, that it may be possible to soften the markings of the bays further so that they would appear less formal. In summary, subject to a condition to provide further details of the surfacing of the car park and its markings, it is not considered that the car park would result in significant demonstrable harm to the setting of the Listed Building to justify refusal.

- 7.3.21 With regard to the access road, the Conservation Officer considers that there is an opportunity to improve the appearance of the access track which is considered to be in a poor state of repair. The original comments received from the Conservation Officer raised concerns in relation to the widening of the access track given that this would not guarantee that vehicles would not encroach onto The Green. However, the Conservation Officer does acknowledge that the widening of the access road would be minimal and as such, it is officer's views that the physical widening of the road would not have any material impact on the character of Conservation Area. In addition, it is acknowledged that the use of the building as a nursery would result in an increased use of the access road. However, as already set out, the peaks in traffic would be contained to certain times of the day and there would be no use at the weekends or in the evenings when the nursery would be closed. It is therefore acknowledged that whilst there would be an intensification of use of the access road, given the nature of the use of the building, it is not considered that this would result in detrimental harm to the character and appearance of the Conservation Area and therefore on balance, no objections are raised in this regard.
- 7.3.22 Reinstatement of the boundary wall: The boundary of Croxley House consists of a historic brick wall. Certain parts of the wall are in a poor state of repair, and as such, the submitted Design and Access Statement proposes works to two areas of the wall within the application site and the applicant's control, referred to as Section A and Section B. Section A consists of an area at the site entrance where the wall is leaning and is currently fenced off in the interests of safety. Section B consists of an area to the east of the site where certain areas of the wall are part collapsed and in a poor state of repair. The works would therefore involve works to repair and restore the brick wall to its original form using reclaimed bricks, and matching mortar. This is viewed positively and would contribute positively to the visual amenities of the Conservation Area and to the setting of the Grade II Listed Building. It is considered that full details of any new brick work and of the mortar mix can be secured via condition.
- 7.3.23 Summary: Paragraph 210 of the NPPF states that '*in determining applications, local planning authorities should take account of:*
- *The desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable uses consistent with their conservation;*
 - *The positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality and*
 - *The desirability of new development making a positive contribution to local character and distinctiveness*
- 7.3.24 Croxley House is currently vacant and is in need of maintenance and repair works. The redevelopment for use as a nursery (which is already an established business) would secure and safeguard the viability and future of the Listed Building and would ensure that it continues to contribute positively to the Conservation Area. Significant weight should be attached to putting the building to a viable use and to maintaining the building for the future. Furthermore, in accordance with (b) of Paragraph 210 of the NPPF, it is considered that the use of the building as a nursery would ensure that the Heritage Asset is able to make a

positive contribution to a sustainable community including their economic vitality (as set out economic benefits of an approval on this site would be job creation and in addition assisting parents in returning to their workplace)

- 7.3.25 The proposed development would involve the replacement of an existing two storey extension. No objection is raised to the demolition of this extension as it is not considered to enhance the appearance of the building for the reasons set out above. Whilst the Conservation Officer has raised no objections to a contemporary form of design, concerns were raised with regard to the bulk, massing and visual appearance of the extension with particular reference to the fenestration detail. The October 2023 amendments to the scheme are considered to address the concerns raised, by reducing the bulk of the extension and ensuring that the fenestration detail aligns more closely with that in the original building. In addition, the scheme also would result in significant enhancements to the building including the removal of unsightly railings and ramps within the grounds of Croxley House. The plans would also result in the removal of a number of obsolete features across the elevations of Croxley House and the rationalising services and drainage runs. The above are all viewed to be enhancements and would weigh in favour of the scheme. In addition, the amended plans indicate the rationalisation of the stepped roof form to the existing link to the eastern extension which is viewed positively.
- 7.3.26 With regard to the landscaping alterations, officers do not consider that the alterations to the access road would materially change the physical appearance of the track and its relationship with the wider Conservation Area or the host building. Furthermore, due to the nature of the proposed use as a nursery, whilst there would be some intensification of use during certain times of the day, for significant times of the week, the use in comparison to existing use as a care home would not materially increase to a significant degree. As such, it is not considered that the increase in traffic movements would have an urbanising impact on the Conservation Area.
- 7.3.27 It is therefore considered that the proposals when viewed in their totality would preserve the character and appearance of the Grade II Listed Building and the character and appearance of the wider Conservation Area. The development is therefore considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM3 of the Development Management Policies LDD.

7.4 Impact on amenity of neighbours

- 7.4.1 Policy CP12 of the Development Management Policies LDD sets out that the development should not result in loss of residential amenity to neighbouring dwellings and should not result in a loss of light or be overbearing.
- 7.4.2 The development would result in a material change of use of the existing building, through the provision of a 122 place nursery. It is acknowledged therefore, that this would result in an intensification of use of the site by reason of increased comings and goings from the site during the week and through the increased use of the building and associated outside spaces to the north and south of the buildings. The nearest neighbour to the site, is located to the west and is the existing care home known as Clarendon House. Policy DM9 of the Development states that *'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'*.
- 7.4.3 Due to the adjacent noise sensitive use, an environmental noise assessment has been submitted with the application. This concludes that the noise levels arising from the proposed use is unlikely to be significant. Any increase in the ambient noise levels would also be minimised as the eastern part of Clarendon Lodge contains ancillary support facilities including the reception and office. In addition, the external amenity space serving

the building is located within a central enclosed courtyard with adequate screening which further minimises harm to the enjoyment of this neighbouring amenity area. The Environmental Health Officer has been consulted and has confirmed that no objections are raised to the proposed development. In addition, a condition shall be attached to any consent, requiring details of any additional plant and machinery associated with the development to be approved in writing by the LPA.

- 7.4.4 It is acknowledged that the proposed development would result in increased vehicular movements to and from the site. However, the generation in traffic in itself would not result in harm to residential amenity. Whilst there would be increased vehicular movements in the morning and evening, the latest pick-up time would be 7pm which would also minimise impacts on adjacent residents. In addition, there would be limited vehicular movements at the weekend given that the nursery would be a use operating Monday to Friday only. A condition shall be attached to any planning permission which would restrict the opening days/and hours of use of the nursery.
- 7.4.5 It is noted that to facilitate the development, the existing extension to the west of the building would be demolished and replaced with a new two storey extension. Due to the existing access road, it is not considered that the development would result in any increased harm to Clarendon Lodge relative to the existing situation. Due to the siting of Croxley House, it is also not considered that any other nearby residents would be affected by the proposed development.
- 7.4.6 In summary, it is not considered that the proposed development would result in harm to the residential amenity of nearby residents. The proposed development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

7.5 Highways

- 7.5.1 Access: 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 116 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 The site is served by an existing driveway accessed from The Green; and it is proposed to widen this as part of the works to a maximum proposed width of 4.5m. Herts Highways advised in their initial comments that the preferred width to allow the passing of two way traffic would be 4.8m, as this would ensure that vehicles would not encroach onto the adjacent common land. In response, the applicant has advised that 4.5m would be the limit for widening works to ensure minimum works to the adjacent common land. A swept path analysis has been provided which demonstrates the ability for two small vehicles to pass one another on the access road. The Highways Officer continues to note that due to the increase in trip numbers, there would be some likely overrunning of vehicles onto the common, however, the Highways Officer also notes that given this is not highway land, a width of 4.5m would be technically plausible according to the Manual for Streets and thus Herts Highways would not maintain refusal on this issue. Officers also consider that given vehicles would be able to pass one another on the access road, it would not be reasonable to maintain refusal on this ground.
- 7.5.3 The Highways Officer acknowledges that the proposed use would generate a significant increase in trip numbers in comparison to the existing lawful use of the building as a care home. However, the Highways Officer also emphasises as per paragraph 111 of the NPPF, refusal can only be recommended where there would 'be an unacceptable impact on highway safety', or the residual cumulative impacts on the road network would be 'severe'. Whilst the Highways Officer acknowledges that the trip rates during the AM and PM peaks

would increase by a substantial number, this would not be severe and thus would not generate a highways reason for refusal. Furthermore, officers also note that at other times of the day, and at the weekends, there would be more limited vehicle movements from the site.

- 7.5.4 During the course of the application, TRDC Property Services as landowner have raised concern regarding the safety of the access and whether there is adequate visibility from the access road. In response to this issue, Herts Highways note that there would be no alterations to the access which would impact upon the visibility splays. Due to the location of the access through common land, it is considered that there is ample visibility available in all directions. As such, the proposal is acceptable and in accordance with Policy CP10 of the Core Strategy in this regard.
- 7.5.5 A Travel Plan has been submitted to support the promotion and maximisation of sustainable travel options to and from the site. At the time of the original report to committee, the Highways Officer considered that this was generally acceptable for this stage of the application, however, a full travel plan would need to be updated and secured via a S106 Agreement. This would be required to be in place from first occupation of the bursary until 5 years post occupation. The Highways Officer has advised that a £1,200 per annum index RPI March 2014 Evaluation and Support fee should be secured via the S106 agreement in accordance with HCC Travel Plan Guidance. Since the time of the original committee resolution to grant, the applicant has been seeking to progress and complete a S106 agreement in respect of the Travel Plan and the associated monitoring contributions. However, a significant length of time has passed and the applicant has been unable to complete the S106 agreement and it is understood that this is due to issues with the landowner. Consequently, in view of this, officers have had further discussions with HCC regarding the requirement for a S106 agreement. HCC have reviewed the application and whilst a S106 agreement would be the preferred mechanism for securing this, they confirmed that they would not be able to defend a reason for refusal in relation to the failure to complete a S106 agreement. They consider that the provision of a Travel Plan can be secured via a condition with details to be submitted to HCC for consideration. This would therefore still enable the promotion and maximisation of sustainable travel options to and from the site and officers consider that this would be an acceptable solution.
- 7.5.6 The Highways Officer has raised no objection to the proposed pedestrian access at the south east corner of the site. The new access would link to an informal footway on the Green which would then connect to a new crossing point to the adjacent Killingdown Farm site. With regard to the internal access pathways, the Highways Officer initially noted that a 2m wide pathway would be recommended to ensure that two buggies could pass one another, however, 1.5m would be the minimum recommended. In response, the applicant has confirmed that the pathway would be 1.5m wide and thus this is viewed as acceptable
- 7.5.7 In summary, the Highways Officer has raised no objection to the development, and although acknowledges that there would be a substantial increase in trip numbers at certain times of the day, this would not result in any severe impact to the highway network. Furthermore, the existing access to The Green from the site would not be altered, and there is ample and safe visibility. The adequate visibility from the site has been confirmed by the Highways Officer. Whilst it would be preferable for the existing driveway to be increased to a width of 4.8m, a width of 4.5m would still allow vehicles to pass. It is acknowledged that the Highways Officer notes that there would still be likely overrunning of vehicles on to common land in certain instances, however, this is the case at present. The increase in width and the condition of the driveway would be improved which would be a benefit. Officers therefore consider that it would be unreasonable to refuse planning permission on this basis. The development is therefore considered acceptable and in accordance with the provisions of the NPPF and Policy CP10 of the Core Strategy.

7.6 Car Parking

- 7.6.1 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.
- 7.6.2 As noted previously, the development would result in the creation of a 122 space nursery, thus generating the requirement for 30.5 car parking spaces. The submitted plans indicate that there would be a total of 25 spaces provided on site, which would be provided through the creation of a new car park to the north of the building. The proposals would therefore result in a shortfall of 5.5 car parking spaces contrary to Policy DM13 and Appendix 5 of the Development Management Policies LDD. In terms of their allocation, the submitted Planning Statement specifies that 17 of the spaces would be allocated for staff use, with a further 8 spaces allocated as drop off/collection spaces.
- 7.6.3 The Planning Statement seeks to provide justification for the proposed level of parking, setting out that proposed parking level has been informed by parking surveys at their other local nursery sites, at both Croxley Business Park and in Rickmansworth. It is noted that the Croxley Green site currently has a total of 27 spaces, and across the two days surveyed the maximum stress was 52% (14 cars parked). At the Rickmansworth site, there are 20 spaces, and the parking stress was 90% (18 cars parked). Paragraph 7.1.20 of the Planning Statement sets out that following:
- 'When factoring in the capacity of the surveyed nurseries, the survey suggests that the peak demand at the application site could be up to 25 spaces, as a worst case. Therefore, the provision of 25 spaces is considered adequate to ensure that all parking associated with the use can be accommodated on site'.*
- 7.6.4 In addition, paragraph 7.1.22 of the Planning Statement provides justification for the 8 drop off spaces provided, stating the following:
- 'The provision of 8 drop off and collection bays will be sufficient to accommodate up to 48 drop offs/collections per hour, based on an average turnaround time/duration of stay on site of 10 minutes (which is considered generous based on the operator's experience). This is well in excess of the anticipated peak hour demand, which is 23 vehicles, including staff. As a sensitivity test, if we were to assume 15 minutes for drop off/collection, the 8 bays could accommodate 32 cars per hour, therefore the 8 bays would still be more than required in order to accommodate drop off and collection activity'.*
- 7.6.5 At paragraph 7.1.21, the applicant also refers to the zonal reduction in parking standards as outlined in Appendix 5 of the Development Management Policies LDD. Policy DM13 states that the standards for car parking (except for C3 Residential) may be adjusted according to which zone the proposed development is located in. In this case, the application site is located outside of any of the defined parking zones. However, the applicant considers that given the site is directly adjacent to parking zone 3, the parking requirement can be adjusted to 50-75% of the demand. This would therefore result in a reduced number of spaces of 16-23 spaces, with the proposed parking being proposed at 25. In addition, the applicant states that the site of the nursery is better located in relation to the catchment area of the nursery that it would replace. As such, there would be the possibility that some children in close proximity to Croxley House would arrive and leave on foot. It is noted that a car parking management plan has also been provided which sets out a number of measures to ensure that parents and staff are aware of parking arrangements and details of the nursery travel plan which would also discourage car use.
- 7.6.6 Taking all of the above into consideration, officers are of the view that the applicant has provided significant evidence as to why the parking levels proposed including the number of drop off bays would be appropriate for the use of the site. It is also acknowledged that a zonal reduction was applied in determining the appropriate parking level for the new care

home under application 14/2141/FUL, it is therefore considered that it would be reasonable to take into account the zonal reduction at the current time. As such, on balance, the proposed car parking provision is considered to be acceptable and in accordance with Policy CP12 of the Core Strategy and Policy DM13 and Appendix 5 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.
- 7.7.3 The Ecology Officer notes that the application is supported by a comprehensive ecological report. It is noted that the majority of trees would be retained on site, although 3 trees are proposed for removal and this loss should be compensated. The submitted Landscape Plan indicates the replacement and enhancement of native species planting, extension of the broadleaved woodland, and creation of an orchard. The Ecology Officer notes all of the above are welcomed.
- 7.7.4 The open grassland (the Green) directly to the south of the site is designated as a non-statutory Local Wildlife Site for its neutral and acidic grassland interest. The grassland supports some scarce and locally uncommon species; however, the main interest that supports the most important plants is in the triangular centre of this extensive site, some 140m from the application site. As part of the current application, the existing access road would be widened. The Ecology Officer notes that the existing LWS grassland at the road are compacted and degraded. Consequently, the loss of approximately 0.044% of the grassland in this location to be minimal and of little concern. Notwithstanding this, concerns are raised in relation to how much of the grassland will be impacted upon during the works by construction vehicles and storage of materials. Details relating to compensation/mitigation for any loss or damage are not provided at this stage. The Ecology Officer has suggested that this could be secured via a condition requiring an Environmental Management Plan to be submitted prior to the commencement of development.
- 7.7.5 It is noted from the submitted information, that bats have been confirmed to be roosting in the existing building and therefore a licence will be required from Natural England to proceed with any works. The Ecology Officer has advised that confirmation of a valid licence from Natural England should be secured via a condition. In addition, it is suggested that an Ecological Management Plan should be submitted in order to secure ecological enhancements and management of the site for the future.
- 7.7.6 The Ecology Officer has also noted that the report demonstrates a least 10% biodiversity net gain for both area (habitat) and linear (hedgerow) uplift. Whilst it is acknowledged that this is not yet mandatory, the measures are welcomed and this net gain can be secured through the suggested Ecological Management Plan. It is noted that since the time of the original application, the requirement to secure a 10% Biodiversity Net Gain on certain types of applications is now mandatory. However, as the current applications pre-date, this requirement, BNG is not applicable.
- 7.7.7 In summary, subject to conditions, it is not considered that the development would not result in any harm to any protected species or the adjacent Local Wildlife Site. The development

is considered acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.8 Trees and Landscaping

- 7.8.1 Policy DM6 of the Development Management Policies LDD advises that ‘proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate’
- 7.8.2 The Landscape Officer has not raised an objection in respect of direct damage to trees which could result from the development. However, the Landscape Officer has raised objections noting that due to the presence of mature trees on site, the areas for drop off and pick up would be limited which could lead to over spill parking in unauthorised areas. The Landscape Officer notes that this raises concerns regarding potential damage to mature trees on site, in particular the prominent Cedar trees on site, due to additional encroachment into root protection areas. This may also result in future applications for further on site parking. The applicant has responded to these concerns noting that the frequency of traffic would not be high flow in terms of road usage, and advises that the proposed parking is sufficient to accommodate the demand for parking on site.
- 7.8.3 In response to these concerns, and as set out above, officers do consider that there would be sufficient on site car parking provision for the proposed use and thus there should not be overspill into unauthorised areas. It is considered that it would be unreasonable to refuse planning permission on the basis of what may occur in the future. It would be speculative to assume that there would be unauthorised parking on other areas of the site and within the wider vicinity. In addition, the applicant has noted in their response to the Landscape Officer’s comments, that the landscape proposals have been designed to include physical measures (such as additional planting around the car parking bays) to ensure that vehicles cannot further encroach into the landscaped setting of the site.
- 7.8.4 With regard to the landscape setting of The Green, the Landscape Officer raises concerns that the widening and formalising of the access road (including the provision of curbing and road markings) would have an urbanising impact and therefore some landscape impact to The Green and its character. In response to these concerns, officers consider that the widening of the access road would be minimal and it is not considered that this would result in a significant urbanising impact or spread of development into the landscape. Furthermore, the applicant has clarified that there will be no curbing or road markings, and thus the existing access would not be formalised. As such, officers consider that there would be limited impact on the landscape.
- 7.8.5 With regard to the pedestrian access, the applicant has also confirmed that no surface or level improvements to the existing informal path on The Green is proposed. The proposal for a pedestrian access to the site are contained within the red line of the site. The Landscape Officer has reviewed the additional information submitted by the applicant and has raised concerns that given there would be no surface level improvements in this area, that pedestrian access would be undesirable during increment weather conditions. This would lead to more drop off and pick ups by car. Officers again emphasise that there is deemed to be reasonable on site parking to accommodate the proposed use and it would be unreasonable to refuse planning permission on the basis of what could occur in the future.
- 7.8.6 In summary, whilst it is acknowledged that the Landscape Officer continues to raise concerns regarding impact to the trees due to concerns relating to parking, and access, officers consider that it would be unreasonable to refuse planning permission based on speculation. The Landscape Officer has advised that if permission is granted then this should be subject to conditions, including a detailed tree protection method statement and

detailed landscaping plans. In addition, the Landscape Officers considers that there should be a specific condition relating to arboricultural supervision during key stages of development to ensure that trees on site are sufficiently protected. The proposed development is therefore considered to be acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.9 Contamination and Pollution

7.9.1 Policy DM9 relates to contamination and pollution control and states the following:

The Council will only grant planning permission for development, on or near to former landfill sites or on land which is suspected to be contaminated where the Council is satisfied that:

- i) There will be no threat to the health of future users or occupiers of the site or neighbouring land; and*
- ii) There will be no adverse impact on the quality of local groundwater or surface water quality.*

7.9.2 An Air Quality Assessment has been submitted as part of the application which includes an assessment of construction phase impacts. Mitigation measures have also been recommended to minimise emissions. The Environmental Health Officer notes that with the implementation of these measures, the impact of construction phase dust emissions is not considered significant.

7.9.3 The Environmental Health Officer notes that the predicted trip generation for the proposed development does not exceed the relevant screening criteria for a development outside of an AQMA, therefore dispersal modelling was not undertaken. The Environmental Health Officer does not consider that air quality impacts as a result of additional traffic emissions associated with the site as significant. A condition has been suggested requiring the submission of a dust management plan which incorporates recommended mitigation measures detailed in Table 5.5 and Table 5.6 of the Air Quality Assessment should be submitted prior to the commencement of development.

7.9.4 With regard to contamination, the site does not appear to have had any previously contaminative uses and thus no objections are raised in this regard. A condition has been suggested which requires the reporting of any unexpected contamination.

7.9.5 In summary, subject to conditions, no objections are raised in relation to contamination and pollution control. The development is considered in accordance with Policy DM9 of the Development Management Policies LDD (July 2013).

7.10 Energy Use:

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

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

- 7.10.3 The applicant has submitted an Energy Statement; this sets out that the existing building is Grade II Listed and consequently, there are limitations on improvements works that can be undertaken. The submitted Energy Statement proposes a range of measures including; the provision of low energy light fittings, replacement windows and the provision of a VRF heat pump. The conclusion indicates that the development will achieve a 77% reduction in CO2 emissions, which exceeds the target of 5% set out in Policy DM4 of the Development Management Policies LDD. During the course of the current application, the Conservation Officer raised an objection in relation to the provision of replacement windows due to the impact on the Grade II Listed Building. As such, the proposals have been revised to include the provision of secondary glazing to minimise the harm. A further statement has therefore been submitted by the applicant stating that the proposed change would not have a significant impact on the proposed development from complying with the above standards and a reduction of 76% is still proposed.
- 7.10.4 Were the development to be considered acceptable, a condition shall be added to any consent, requiring the development to be undertaken in accordance with the Energy Statement.
- 7.10.5 It is noted that the block plan indicates the location of the VRF heat pump which would be housed in a timber enclosure. No objections are raised to this in principle, however, full details of the appearance of the store shall be secured by condition.
- 7.11 Flood Risk and Drainage
- 7.11.1 Policy CP1 of the Core Strategy recognises that taking into account the need to avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example flood resistant design. Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 requires development to include Sustainable Drainage Systems (SuDs). In accordance with the Development Management Procedure Order the Lead Local Flood Authority were consulted in relation to the proposed development.
- 7.11.2 Throughout the application process, the submitted drainage strategy has been reviewed by the LLFA. Concerns have been raised with regard to the lack of clear and sufficient information pertaining to the site's drainage strategy. It was viewed that the report should be updated in consideration of infiltration testing, and that the application should explore the incorporation of the above ground SuDS into the proposal and measures for pump failure. At the time of the original committee in November 2023, there was additional information which was still being considered by the LLFA. Since the time of the committee, the issues with the LLFA have been resolved and the application is now deemed acceptable in relation to drainage subject to conditions.
- 7.12 Refuse and Recycling
- 7.12.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
 - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers

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

- 7.12.2 The submitted Transport Statement is accompanied by tracking plans which demonstrate that a refuse vehicle can enter and turn around within the site and thus the Highways Officer has raised no objection in this regard.

The submitted plan indicates a proposed refuse store which would be located to the north west of the building; the siting of the refuse store is considered to be acceptable and would have no impact on the residential amenity of the neighbouring care home. Full details of the appearance of the store have not been submitted, however, these could be reserved via a condition.

- 7.13 Planning Balance/Conclusion: It is considered that the proposed development represents an appropriate form of development within the Green Belt, as the development would constitute the redevelopment of previously developed land which would not result in substantial harm to openness. Likewise, the alterations to the access track would constitute an engineering operation which is also considered to be an appropriate form of development. Furthermore, it is acknowledged that the proposed development would result in a number of benefits which must be afforded weight in the decision making process. These include the following:

- 7.13.1 Community Benefits: The applicant put forward in their Planning Statement that significant weight should be afforded to the provision of nursery places including funded and special educational needs and disabled places which would serve the community within the local area. The supporting information set out by the applicant indicates that the existing nursery which currently provides 72 places is being forced to relocate; and without an alternative location, this would close, leaving the children on the register without childcare. In addition, the re-development of Croxley House would allow the nursery to deliver additional places for the community. It is acknowledged that there is a significant demand for nursery places. The supporting information sets out that the existing sites both in Croxley Green and in Rickmansworth are forced to turn away numerous enquiries on a weekly basis and at the time the application was made and considered, St Oswalds Nursery in Croxley Green. However, it is now also noted that in January 2026, Malvern Way School opened a new pre-school for children from 2 years old. Paragraph 98 (c) of the NPPF sets out that planning policies and decisions should 'guard against the loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day need' and to 'ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community'. In addition, paragraph 99 of the NPPF sets out that 'it is important that a sufficient choice of early years, schools and post-16 places are available to meet the needs of existing and new communities.
- 7.13.2 In addition, the importance being attached to early years places has been demonstrated by the government extension of free childcare to support more parents being able to return to work after parental leave ends. 30 hours of free childcare has been extended to working parents for children over 9 months old. This therefore emphasises the importance being placed upon childcare provision centrally in order to help more parents return to work which would be considered as an economic development. Therefore, officers consider that the provision of childcare benefits would weigh in favour of the scheme and attract significant weight.
- 7.13.3 Heritage Benefits: The submitted Planning Statement states that; 'significant weight should be given to the overall heritage-specific benefits, including the alteration and extension of the listed building and alternative use that will help safeguard its future viability, use and maintenance'. Croxley House has been vacant since the former care home closed in January 2021 and it is clear from the site visit made by officers that it is in need of maintenance and repair works. At the time of the application originally went to committee, it was noted that the site had been deemed unsuitable for residential use by a number of developers. Since this time, a further application has been considered and approved for

development at Croxley House for residential development of six residential dwellings. This development proposes a conversion with improvements to the main building, however, without the requirement for an extension, alteration to access road or large car park.

- 7.13.4 The current application proposed would result in improvements to the existing building including the removal of clutter from the existing building, repair works to fenestration; repair works to the historic boundary wall and the removal of impermeable hardstanding. In addition, the internal works to the building would include removing modern partitions and works to restore the building to its original plan form. Paragraph 197 of the NPPF states the following with regard to heritage assets:

In determining applications, local planning authorities should take account of:

- (a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- (b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.*

- 7.13.5 Based on the above, it is considered that moderate weight should be given to the need to secure the future of Croxley House as Grade II Listed Building. The weight has been reduced since the previous officer report to committee, given that an alternative scheme has been granted on the site.
- 7.13.6 Economic Benefits: acknowledged that there would be economic benefits as a result of the development. As set out in paragraph 7.21 of the Planning Statement, 'notwithstanding construction phase jobs and training, some weight should be given to the provision of jobs and training for students and apprentices'. The new nursery facility would provide 43 full time equivalent roles, with additional apprentices and students. In addition, the submitted information sets out that Boys and Girls Nursery work alongside local colleges and universities to support students, and that apprentices are also employed and trained in house. Furthermore, as emphasised above, the development would enable more parents to return to work which is also viewed to be an economic benefit of the scheme. As such, it is viewed that moderate weight must also be applied to the economic benefits of the scheme.
- 7.13.7 Landscape: The applicant states that some weight should be given to the overall reduction of hardstanding and structures on the site and the increase in permeability. Officers acknowledge that the proposal would remove additional structures on the site and therefore there would be some increase in openness. Likewise, there would be the removal of a number of pathways within the site. Given that the proposal would also involve the introduction of a new car park, it is viewed that neutral weight would be attached to the landscaping benefits of the scheme
- 7.13.8 Biodiversity and Sustainability: The proposed development would result in a biodiversity net gain of approximately 10.25% which is viewed positively and would weigh in favour of the development. Likewise, the proposal would result in a 76% reduction in carbon emissions compared to the required standard, thus exceeding the target of 5% identified in Policy DM4 of the Development Management Policies LDD; again, this weighs in favour of the development.
- 7.13.9 In summary, it is therefore considered that taking into consideration that the development is viewed to be an appropriate form of development and the number of identified benefits, it is concluded that the redevelopment of Croxley House for use as a nursery is acceptable.

8 Recommendation(s)

8.1 23/0483/FUL: To **GRANT PLANNING PERMISSION** subject to conditions as set out below:

- 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:

CRXH-GTA-XX-00-DR-AR-00001 Rev P01, CRXH-GTA-XX-00-DR-AR-00002 Rev P01, CRXH-GTA-XX-00-DR-AR-00003 Rev P03, CRXH-GTA-XX-00-DR-AR-00100 Rev P01, CRXH-GTA-XX-00-DR-AR-00110 Rev P03, CRXH-GTA-XX-00-DR-AR-12100 Rev P03, CRXH-GTA-XX-01-DR-AR-00101 Rev P01, CRXH-GTA-XX-01-DR-AR-00111 Rev P03, CRXH-GTA-XX-01-DR-AR-12101 Rev P03, CRXH-GTA-XX-B1-DR-AR-00099 Rev P01, CRXH-GTA-XX-B1-DR-AR-00109 Rev P03, CRXH-GTA-XX-B1-DR-AR-12099 Rev P03, CRXH-GTA-XX-RF-DR-AR-00102 Rev P01, CRXH-GTA-XX-RF-DR-AR-00112 Rev P03, CRXH-GTA-XX-RF-DR-AR-12102 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00200 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00201 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00202 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00210 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00211 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00212 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00300 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00310 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12200 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12201 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12202 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12300 Rev P03, 071-100 REV 02, 2205-028 SK07 (Existing and Widened Access Road).

Reason: For the avoidance of doubt, in the proper interests of planning, the character of the Listed Building and Conservation Area and the openness of the Green Belt in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2, DM3, DM4, DM6, DM8, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013), the Croxley Green Conservation Area Appraisal and Croxley Green Neighbourhood Plan (2018).

- C3 No development shall take place until the widening works to the access road have been undertaken in accordance with the approved plans and the details agreed pursuant to condition 4 of this permission.

Reason: To prevent unacceptable harm to Common Land and to the character and appearance of the Croxley Green Conservation Area and to ensure the provision of a safe access in accordance with Policies CP10 and CP12 of the Core Strategy and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to any works to the access track along Common Land, a) full details of the surfacing and construction methodology and b) evidence in writing to demonstrate that the Land Owner's consent has been obtained along with consent from the Secretary of State to remove land from the Common Register, shall be submitted to and approved in writing by the Local Planning Authority

The works shall be undertaken only in accordance with the approved details.

Reason: To protect the visual amenities of Green Belt and the Croxley Green Conservation Area in accordance with Policies CP1, CP11 and CP12 of the Core

Strategy (adopted October 2011) and Policies DM2 and DM3 of the Development Management Policies LDD (adopted July 2013).

- C5 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

The Construction Management Plan /Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site; including full tracking details of vehicles and large lorries accessing the site during construction.
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;

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

- C6 No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

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

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

- C7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials and method of drainage.

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

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

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

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

- C8 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following.

a) Risk assessment of potentially damaging construction activities.

b) Identification of 'biodiversity protection zones'

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timings of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure sensible working practices which protect ecology on and adjacent to this site in accordance with Policies CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C9 Prior to the commencement of development (including demolition, ground works, vegetation clearance) a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:
- a. A description and evaluation of the features to be managed.
 - b. Ecological trends and constraints on site that might influence management.
 - c. Aims and objectives of management.
 - d. Appropriate management options for achieving aims and objectives (for example but not limited to enhancements such as woodland and grassland management (including LWS grassland), native species planting, creation of an orchard, plants of benefit for biodiversity, bat and bird boxes and other features for hedgehogs and invertebrates).
 - e. Prescriptions for management options.
 - f. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a minimum five year period).
 - g. Management responsibilities.
 - h. Ongoing monitoring and remedial measures.

These works shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure the ecological impacts of the biodiversity present are properly addressed on this site, and on the adjacent Local Wildlife Site in accordance with Policies CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C10 Prior to the commencement of development, a Dust Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Dust Management Plan should incorporate the recommended mitigation measures set out in Table 5.5 and 5.6 of the Air Quality Assessment (Document ref 23249404-AQA-0001) and the approved Dust Management Plan should be adhered to throughout the construction and operation of the development.

Reason: This is a pre-commencement condition to minimise any construction impacts and the amenity of other users of the public highway and rights of way in accordance with Policies CP9 and CP10 of the Core Strategy (adopted October 2011).

- C11 Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (7 December 2023, REF RMA-RC2441) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C12 The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation.

II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.

III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the provisions of the NPPF and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C13 Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 14. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with the provisions of the NPPF and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C14 All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (7 December 2023, REF RMA-RC2441), including appropriate flood resilience and resistance measures (such as raised Finished Floor Levels, a minimum of 300mm above any floor level and 150mm above the surrounding proposed ground levels) unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with the provisions of the NPPF and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C15 Before any building operations above ground level hereby permitted are commenced, samples of materials to be used on the external finishes and surface finishes shall be made available for inspection on site and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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 DM13 of the Development Management Policies LDD (adopted July 2013).

- C16 Prior to any building operations above ground level, sample panels of 1 square metre minimum shall be erected on site to show areas of new exterior walling. These panels shall indicate brick, brick bond, mortar mix, colour and pointing profile. The development shall be implemented in accordance with the approved details.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

- C17 Prior to the construction of the car parking areas, full details of the surfacing material, the marking of bays and the boundaries to the car parking areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To protect the rural character of the Green Belt, the setting of the Grade II Listed Building and to ensure appropriate drainage provision in accordance with Policies CP11 and CP12 of the Core Strategy and Policies DM2, DM3 and DM8 of the Development Management Policies LDD.

- C18 Prior to the installation of the new steps and ramps, full details of their proposed finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and permanently maintained as such.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

- C19 Prior to the commencement of works to the existing brickwork, a sample panel of 1 square metre shall be re-pointed at ground floor level. This sample shall indicate the brick, mortar mix, colour and pointing profile. In addition, a single repair to cut out and replace a spalled brick shall be completed to demonstrate the method and proposed brick replacement. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

- C20 Prior to their first installation on site, details (including sections and elevations at scales between 1:20 and 1:1 as appropriate) of proposed new windows, doors, timber and glazed link, eaves, fascias, verges and cills to be used shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details and shall be permanently maintained as such.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

- C21 No works to the boundary wall shall take place until samples of the new bricks, details of the new pointing including mortar, and a written specification setting out the method to be used for the proposed works has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented only in accordance with the details as approved under this condition.

Reason: To safeguard the character and appearance of the heritage asset, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C22 Prior to the commencement of repair works, a full schedule of works to the façade and roof form shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the heritage asset, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C23 Prior to repair works to the internal fabric of the building, full details of 'making good' the exposed areas revealed by demolition works shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C24 Prior to the installation of the green roof, a rolling schedule of landscaping maintenance and review shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangement for its implementation. The green roof shall be maintained in accordance with the approved schedule.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C25 All new rainwater goods shall be metal and painted black.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C26 Works to the main house shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

a) evidence of a licence, or confirmation of valid licence, issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity / development to go ahead; or
b) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence. Development shall then proceed in accordance with that licence and in accordance with the approved ecological report (Ref: Ecological Appraisal, March 2023 by Greengage) unless otherwise agreed in writing with the LPA.

Reason: To ensure protected species (bats) are protected from harm in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C27 Prior to the first use of the development, a management and maintenance agreement to ensure the ongoing maintenance of the road shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent unacceptable harm to the Common Land and the Conservation Area in accordance with Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C28 Prior to the first use of the development, full details of the size and appearance of refuse and recycling facilities as indicated on plan CRXH-GTA-XX-00-DR-AR-00003 Rev P03 on the premises have been submitted. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM3 and DM10 of the Development Management Policies document (adopted July 2013).

- C29 Prior to the first use of the development hereby permitted a detailed Travel Plan for the site, based upon the Hertfordshire Council document Hertfordshire's Travel Plan Guidance, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C30 The buggy store shall not be constructed until full details of the proposed buggy store including its size and appearance have been submitted and approved in writing by the Local Planning Authority. The buggy store shall thereafter be constructed in accordance with the approved details.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM3 of the Development Management Policies document (adopted July 2013).

- C31 Prior to the first use of the development hereby permitted, details of all plant, machinery and equipment installed or operated in connection with the carrying out of this permission and measures to enclose these shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to occupation of the development and shall be permanently maintained in accordance with the approved details thereafter.

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

- C32 Prior to the first use of the development, full details shall of the size and appearance of housing for the ASHP shall be submitted and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM3 and DM4 of the Development Management Policies document (adopted July 2013).

- C33 Prior to the installation of the pedestrian access gate, full details including scaled plans of the pedestrian gate including its appearance, material and method of fixing shall be submitted to and approved in writing by the Local Planning Authority. The gate shall thereafter be installed only in accordance with the details approved by this condition.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies document (adopted July 2013).

- C34 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and to meet the requirements of Policies CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C35 No external lighting shall be installed on the site or affixed to any buildings on the site unless and until the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed only in accordance with the approved details.

Reason: In the interests of visual amenity and biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C36 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. The Parking Management Plan shall include details and evidence regarding the allocation of visitor and employee parking provision. The development shall be implemented in accordance with the approved details.

Reason: To minimise danger, obstruction and inconvenience to highway users in the interests of safety in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C37 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

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

- C38 The premises 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 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C39 The use shall not take place other than between the hours of 07:00 and 19:00 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).

- C40 The number of children attending the nursery/preschool at any one time shall not exceed 122.

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).

Informatives

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

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

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

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

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

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

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

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

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The 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. In addition, the Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 15 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 16 The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.
- 17 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 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 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 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.
- 19 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.
- 110 Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety(CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
- 111 Common Land: The existing access route crosses land which forms part of registered common land CL035, Croxley Green. The applicant shall be responsible for obtaining any necessary consent that may be required in accordance with the provisions of The Commons Act 2006 (or as subsequently amended). Further guidance can be obtained on the Government website at <https://www.gov.uk/common-land-village-greens> N.B. The applicant may need to consult with and obtain permission from other interested parties and there is guidance on the Government website at <https://www.gov.uk/guidance/carrying-out-works-on-common-land> and on the County Council's website at: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/common-land-and-town-and-village-applications/common-land-and-town-and-village-green-applications.asp>
- 112 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

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

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

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

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

Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- a) the application for planning permission was made before 2 April 2024;
- b) planning permission is granted which has effect before 2 April 2024; or
- c) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates was exempt by virtue of 3 (a) or (b).

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>.

8.2 23/0484/LBC: That Listed Building Consent 23/0484/LBC 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: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

C2 Before any building operations above ground level hereby permitted are commenced, samples of materials to be used on the external finishes and surface finishes shall be made available for inspection on site and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

C3 Prior to any building operations above ground level, sample panels of 1 square metre minimum shall be erected on site to show areas of new exterior walling. These panels shall indicate brick, brick bond, mortar mix, colour and pointing profile. The development shall be implemented in accordance with the approved details.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

C4 Prior to the installation of the new steps and ramps, full details of their proposed finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and permanently maintained as such.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

C5 Prior to the commencement of works to the existing brickwork, a sample panel of 1 square metre shall be re-pointed shall be re-pointed at ground floor level. This sample shall indicate the brick, mortar mix, colour and pointing profile. In addition, a single repair to cut out and replace a spalled brick shall be completed to demonstrate the method and proposed brick replacement. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

- C6 Prior to their first installation on site, details (including sections and elevations at scales between 1:20 and 1:1 as appropriate) of proposed new windows, doors, timber and glazed link, eaves, fascias, verges and cills to be used shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details and shall be permanently maintained as such.
- 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 DM3 of the Development Management Policies LDD (adopted July 2013).
- C7 No works to the boundary wall shall take place until samples of the new bricks, details of the new pointing including mortar, and a written specification setting out the method to be used for the proposed works has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented only in accordance with the details as approved under this condition.
- Reason: To safeguard the character and appearance of the heritage asset, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).
- C8 Prior to the installation of the pedestrian access gate, full details including scaled plans of the pedestrian gate including its appearance, material and method of fixing shall be submitted to and approved in writing by the Local Planning Authority. The gate shall thereafter be installed only in accordance with the details approved by this condition.
- Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies document (adopted July 2013)
- C9 Prior to the commencement of repair works, a full schedule of works to the façade and roof form shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.
- Reason: To safeguard the character and appearance of the heritage asset, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).
- C10 Prior to repair works to the internal fabric of the building, full details of 'making good' the exposed areas revealed by demolition works shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved details.
- Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).
- C11 Prior to the installation of the green roof, a rolling schedule of landscaping maintenance and review shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangement for its implementation. The green roof shall be maintained in accordance with the approved schedule.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C12 All new rainwater goods shall be metal and painted black.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

Informatives

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

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

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

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

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

{\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>).

- I2 The applicant is reminded that the development subject to this grant of Listed Building Consent must be carried out in accordance with the submitted documents including:
- CRXH-GTA-XX-00-DR-AR-00001 Rev P01, CRXH-GTA-XX-00-DR-AR-00002 Rev P01, CRXH-GTA-XX-00-DR-AR-00003 Rev P03, CRXH-GTA-XX-00-DR-AR-00100 Rev P01, CRXH-GTA-XX-00-DR-AR-00110 Rev P03, CRXH-GTA-XX-00-DR-AR-12100 Rev P03, CRXH-GTA-XX-01-DR-AR-00101 Rev P01, CRXH-GTA-XX-01-DR-AR-00111 Rev P03, CRXH-GTA-XX-01-DR-AR-12101 Rev P03, CRXH-GTA-XX-B1-DR-AR-00099 Rev P01, CRXH-GTA-XX-B1-DR-AR-00109 Rev P03, CRXH-GTA-XX-B1-DR-AR-12099 Rev P03, CRXH-GTA-XX-RF-DR-AR-00102 Rev P01, CRXH-GTA-XX-RF-DR-AR-00112 Rev P03, CRXH-GTA-XX-RF-DR-AR-12102 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00200 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00201 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00202 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00210 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00211 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00212 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00300 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00310 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12200 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12201 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12202 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12300 Rev P03, 071-100 REV 02
- I3 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.

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PLANNING COMMITTEE – Thursday 18 June 2026

25/1691/FUL – Replacement of The Glade Bridge at THE GLADE BRIDGE OVER THE RIVER COLNE, ADJACENT GRAND UNION CANAL OFF CHURCH STREET, RICKMANSWORTH

Parish: Batchworth Community Council.

Ward: Rickmansworth Town

Expiry of Statutory Period: 05.12.2025

Case Officer: Lauren Edwards

Extension of time agreed: 19.06.2026

Recommendation: That Planning Permission be approved subject to conditions.

Reason for consideration by the Committee: The application has been submitted by the Three Rivers District Council leisure department and TRDC are land owners.

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=T3FU3AQFI9L00>

1 Relevant planning history

1.1 None.

2 Site description

2.1 The application site is located on the southern side of Riverside Drive, Rickmansworth. The site has an irregular shape and relates to the existing pedestrian access from Riverside Drive to the Glade Bridge. The existing bridge provides access over the Rivers Chess onto the towpath of the Grand Union canal. This provide access along the towpath to the east toward Watford or west toward the south entrance to the Aquadrome and further toward Hillingdon.

2.2 The existing Glade Bridge is a wooden structure with steps and ramps linking the towpath to the pedestrian access from Riverside Drive over the River Chess and is built of timber.

2.3 The application site falls within the Metropolitan Green Belt.

3 Description of proposed development and background

3.1 This application seeks planning permission for the replacement of The Glade Bridge.

3.2 The existing bridge would be replaced with a new bridge in the same location. The layout of the bridge would remain the same except for the removal of the steps and would be ramp only access. It would be higher in the centre than existing with a base of 600mm. It is also proposed to change the materials from a wooden structure to recycled plastics/composite structure. The bridge would have a maximum height of 2.3m above ground level.

3.3 Three low quality trees are proposed for removal to facilitate the works.

3.4 Amended plans were received during the course of the application to increase the base of the bridge and to include a mammal ledge.

4 Consultation

4.1 Statutory Consultation

4.1.1 National Grid: [No response received]

4.1.2 Landscape Officer: Made the following comments:

This application is acceptable in principle subject to the following conditions:

Prior approval of a tree protection plan, including ground protection along the full length of the construction access route and beneath the materials storage area. The Landscape Officer also requests tree protection fencing along the full line of the construction access route.

5 replacement trees are requested for T3, T7, G12, T13 and T16. These could be willow, elder, swamp cypress, dawn redwood, alder or poplar, ideally a mix for diversity. These could be planted as standards, within the area of nettles that will be covered by the storage area.

4.1.3 Environment Agency: [Objection overcome initial objection at Appendix A]

Thank you for re-consulting us on the above application on 9 April 2026. Environment Agency position based on a review of the submitted information, we are now in a position to remove our previous objection to the proposed development.

This is because the applicant has demonstrated a 300mm freeboard above the 1 in 100 year plus an allowance for climate change modelled flood height at 46.11 mAOD, with the soffit height proposed a 46.41mAOD. Please include the below informative for any permission granted.

Informative - Environmental permit – Flood risk activities - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any of the following activities:

- erecting any temporary or permanent structure in, over or under a main river, such as a culvert, outfall, weir, dam, pipe crossing, erosion protection, scaffolding or bridge
- altering, repairing or maintaining any temporary or permanent structure in, over or under a main river, where the work could affect the flow of water in the river or affect any drainage work
- building or altering any permanent or temporary structure designed to contain or divert flood waters from a main river
- dredging, raising or removing any material from a main river, including when you are intending to improve flow in the river or use the materials removed
- diverting or impounding the flow of water or changing the level of water in a main river
- quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- any activity within 8 metres of the bank of a main river, or 16 metres if it is a tidal main river
- any activity within 8 metres of any flood defence structure or culvert on a main river, or 16 metres on a tidal river
- any activity within 16 metres of a sea defence structure
- activities carried out on the floodplain of a main river, more than 8 metres from the river bank, culvert or flood defence structure (or 16 metres if it is a tidal main river), if you do not have planning permission (you do not need permission to build agricultural hay stacks, straw stacks or manure clamps in these places)

For further guidance please visit Flood risk activities: environmental permits - GOV.UK or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to applicant Signing up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit Sign up for flood warnings - GOV.UK. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email, or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families, and precious items to safety.

Flood warnings can also save lives and enable the emergency services to prepare and help communities. For practical advice on preparing for a flood, visit Prepare for flooding: Protect yourself from future flooding - GOV.UK To get help during a flood, visit What to do before or during a flood - GOV.UK For advice on what to do after a flood, visit What to do after a flood - GOV.UK

Pre-Application Advice Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at HNLsustainableplaces@environment-agency.gov.uk. Further information on our charged planning advice service is available at: Planning and marine licence advice: standard terms for our charges - GOV.UK

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

4.1.4 Herts Ecology: [No objection]

Comments

We are broadly in agreement with the conclusions of the BNG Metric, Biodiversity Checklist and Ecology Report. Therefore, the application can be determined. Further comments are set out below and planning conditions have been put forward for inclusion.

Biodiversity Net Gain (BNG)

The BNG Metric has been correctly completed. A BNG Assessment is detailed within Appendix 4 of the accompanying Ecology Report, and the information provided is deemed to be sufficient.

The Ecology Report also includes a UKHab map (Figure 2) and Habitat Conditions (Page 3).

The total net % change is predicted as being a +277.52% net gain in Habitat Units. However, to meet the 10% mandatory BNG requirement for watercourses, the Applicant must secure off-site Biodiversity Units via a third-party provider.

Ecology Reporting

The Biodiversity Checklist and Ecology Report are considered adequate for the determination of the planning application. The Ecology Report was undertaken by a suitably qualified ecologist with the correct methodology applied. Surveys are in-date and the UKHab baseline has been included. Survey limitations are addressed, and no identified constraints are deemed to be significant. The impacts are assessed correctly, and appropriate mitigation measures are clearly outlined.

Conditions and Informatives

1. Biodiversity Net Gain (BNG)

1.1 Overall Biodiversity Gain Plan (Pre-Commencement)

No development shall commence until an overall Biodiversity Gain Plan (BGP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The plan should be completed using the government template and shall include the following minimum information either within the body of the plan or as supporting information:

- *Completed metric tool calculation that demonstrates:*
 - *A minimum 10% net gain achieved within the trading rules and consistent with the figures quoted within the BGP.*
 - *A fully completed start page including project details and the date the final version of the metric was completed.*
 - *Where off site units are being used these should be shown in the appropriate tab of the metric and the offsite gain site summary should be completed.*
 - *Where relevant a fully completed irreplaceable habitats tab.*
- *Pre-development and post-development plans (showing the location of on-site habitat, the direction of north and drawn to an identified scale). Post-development plans should be sufficient to record the location of the post determination habitats within the final metric submitted to discharge the BGP.*
- *A compensation plan if the development affects irreplaceable habitats.*
- *If off-site units are being used, the biodiversity net gain register reference number will be required for a completed BGP.*
- *Proof of purchase if the Applicant buys statutory biodiversity credits.*
- *A description of how they will manage and monitor significant on-site gains (Habitat Management and Monitoring Plan).*
- *Evidence of a legally secured delivery mechanism (s106 Agreement or Conservation Covenant).*

Development shall be carried out in accordance with the approved plan.

Reason: The BNG Metric and Report identify the requirement to secure a minimum 10% biodiversity net gain. A condition is required to ensure the approved metric is translated into a deliverable, enforceable plan covering habitat creation, enhancement, monitoring and reporting.

1.2 Biodiversity Net Gain 30-Year Habitat Management & Monitoring Plan (HMMP)

The development shall not commence until a detailed 30-year Habitat Management and Monitoring Plan (HMMP) has been submitted and approved in writing by the LPA. It must align with the HMMP template produced by DEFRA, be prepared in accordance with the approved Biodiversity Gain Plan, and include the following:

- *A non-technical summary.*
- *The roles and responsibilities of the people or organisation(s) delivering the HMMP.*

- *The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved BGP.*
- *The management measures to maintain habitat in accordance with the approved BGP for a period of 30 years from the completion of development.*
- *The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the LPA.*

Thereafter, the approved plan will be implemented in accordance with the approved details for the duration of 30 years.

Reason: To comply with the Environment Act 2021 and BS42020 clauses 8.5 and 11.1–11.2, ensuring BNG is deliverable, measurable and legally secured for 30 years.

We further advise that the Applicant takes account of the cost to the LPA for reviewing the reports sent to them over the 30-year period and detail the report frequency in the s106 agreement. We refer the Applicant to use this information in the metric Monitoring Cost Calculator previously supplied By the Ecology Service (LEADS) HCC to the LPA.

2. Construction Environmental Management Plan (CEMP) (Pre-Construction)

No development (including demolition) shall take place until a CEMP has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- *Best practice measures to avoid pollution to the River Glade and to ensure that the works do not impact on water quality within the river.*
- *Timing restrictions for construction works including preferred timings for vegetation clearance and for construction works to minimise impacts on birds, bats and hedgehogs.*
- *All mitigation measures listed within the Ecology Report (Table 4) to prevent impacts on designated sites, habitats and species.*
- *Toolbox talk briefing on ecological sensitivities.*
- *Procedures for unexpected wildlife encounters.*

The development shall proceed in accordance with the approved CEMP.

Reason: To avoid harm to biodiversity during construction, in accordance with BS42020 Clause 10 and the Wildlife and Countryside Act 1981. To ensure contamination and pollution control in accordance with Policy DM9 of the Development Management Policies Local Development Documents (Three Rivers District Council, 2013).

3. Species-Specific Conditions (Pre-Commencement)

3.1 Updated Surveys

A badger walkover survey and a bat GLTA will be required prior to the start of works. The findings of the updated surveys and any changes and new mitigation strategies must be submitted to the LPA for approval before works commence.

Reason: To ensure baseline conditions have not changed since the ecology assessment was undertaken and ensure no unlawful disturbance occurs to protected species.

3.2 Licencing

Should evidence of a protected species be found on site, works will be stopped immediately and advice sought from a qualified ecologist. A licence from Natural England may be required prior to works commencing.

Reason: To ensure no unlawful disturbance to protected species.

4. Enhancement (Pre-Operation)

Prior to the operation of the development, details of bird and bat boxes as well as hibernacula, as outlined in the Ecology Report (Page 5), shall be submitted to the LPA and approved in writing and thereafter the development should be implemented in accordance with the approved details.

Reason: To maximise opportunities for biodiversity.

4.1.5 Canal and River Trust: No objection

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issues relevant to the Trust as statutory consultee on this application are:

- a. Impact on structural integrity and users of the waterway
- b. Impact on the character and appearance of the waterway corridor
- c. Contamination
- d. Biodiversity Net Gain (BNG)

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded conditions are necessary to address these matters. Our advice and comments follow:

Impact on structural integrity and users of the waterway

With any development close to the waterway there is the potential for adverse impacts on the infrastructure of the canal in terms of stability, drainage, pollution etc. It is important that development does not adversely affect the stability of the towpath and bank, as this could significantly increase the risk of damage to the adjacent canal and waterway.

As you are aware, land stability is a material planning consideration and is referred to in paragraphs 187 & 196 -197 of the NPPF, as well as being the subject of more detailed discussion in the current National Planning Practice guidance. We consider therefore that this advice and guidance clearly identifies that the planning system has a role to play in minimising the risk and effects of land stability on property, infrastructure and the public.

We appreciate that the issue of land stability can be complex and often also involves other regimes such as Building Regulations, however the NPPF is clear that planning decisions should ensure that new development is appropriate for its location in the context of avoiding unacceptable risks from land instability, and being satisfied that a site is suitable for its new use, taking account of ground conditions and land instability.

Further details on construction methodology will be required, and it will need to be ensured that the replacement bridge does not encroach further or adversely impact on the Trust's operational requirements, users of the towpath or boaters/moorers in the vicinity. This would include any impacts to navigational safety.

Accordingly, we ask that a Risk Assessment and Construction Method Statement are provided in order that the extent of the risk of such works to the stability of the waterways can be properly quantified and assessed. This detail could be secured by condition, and the Trust wish to be consulted on this detail when available.

The applicant/developer is advised that there are services and fibre optic cables within the vicinity of the site along the towpath and necessary measures should be taken to ensure that these are not adversely affected during development. Any works would also need to comply with the Canal & River Trust "Code of Practice for works affecting the Canal & River Trust." Further details on the Code can be found via our website:

<https://canalrivertrust.org.uk/businessandtrade/undertaking-works-on-our-property-and-our-code-of-practice>.

The applicant is advised to continue to liaise with Ross Fogden, Infrastructure Services Engineer (ross.fogden@canalrivertrust.org.uk) with regards to this and any licences, commercial agreements that may be required for oversailing, or works on, over or under Trust owned land or waterspace (during both construction and operation).

Impact on the character and appearance of the waterway corridor

This stretch of the canal corridor, whilst it passes through an urban area, does retain a landscaped character and appearance. The information submitted indicates that the proposed bridge would be the same size and in the same position as the existing and so the impacts on the waterway corridor are likely to be limited.

However, the proposed colour of the composite material to be used is not clear, with each of the drawings seeming to show a different colour. The colour choice for the proposed material could have a significant impact on the appearance of the bridge and its prominence within the landscape setting of the canal corridor. It appears that the current bridge has weathered over time, and this end result colour should be considered in the selection, rather than matching the more vibrant colour of new wood. Further information on the proposed colour finish should therefore be provided for consideration. This matter could be addressed by condition, and the Trust wish to be consulted on this detail when available.

The proposals also include the removal of the existing steps from the bridge to the towpath and the removal of 3 no. trees to facilitate the new bridge construction. The proposals to reinstate the land where the steps are to be removed are not clear, and no information has been provided regarding the replacement of the trees.

Further details on any proposed surfacing, remedial works and replacement landscaping following the removal of the steps or replacement of the bridge should be submitted for consideration. This matter could be addressed by condition, and the Trust wish to be consulted on this detail when available.

It is noted that tree protection fencing has not been specified as the harms and cost may outweigh the benefit. It will be important that those working on the bridge construction understand the potential impacts of plant and materials on the existing trees, including the risks of storing materials over Root Protection Areas.

Contamination

During our previous engagement on these plans, the applicant indicated that there may be contamination present on the site. Site investigations should be undertaken to determine the extent of this, and the outcome of these and any remediation ground reports submitted for consideration. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should also be avoided and details of pollution prevention measures provided. These matters could be addressed by the submission of a Construction and Environmental Management Plan (CEMP) which could be secured by condition.

The CEMP should include details as to how the safety of waterway users will be protected during any works, asbestos survey, demolition plan and dust suppression mitigation; pollution prevention and response plan; construction surface water management plan; waste management plan; construction noise management plan, etc.

This should include details as to how surface water run-off would be managed during any demolition or construction works. Works should also be carried out at appropriate times to avoid adverse impacts to nesting birds / bats etc.

Biodiversity Net Gain (BNG)

The Statutory Biodiversity Metric User Guide requires that if the site boundary of a proposed development includes land within 10m of a canal the adjacent lengths of watercourse should be included within the watercourse baseline assessment in the Metric.

Unless an exemption applies, the developer will need to deliver a minimum 10% net gain in watercourse biodiversity units. Development may also affect other habitat types on land owned by the Trust, including, but not limited to, grassland, woodland, scrubland, and hedgerows.

The River Condition Assessment (RCA) mapping does not show that the canal has been included in the assessment, but from the text, it appears that it has been included in the bank top assessment of 2 of the modules. However, as the red line extends into the riparian zone of the canal, it would be expected that it is assessed as an independent watercourse. This should be clarified with the applicant and if the ecologist has determined that the impact would not be sufficient to warrant an assessment, this should be made clear. It should be noted that no works to habitat on Trust land should take place without the Trust's prior consent.

Ecologists working on behalf of developers should obtain, and comply with, consents from the Trust to undertake any necessary habitat condition assessments and ecological surveys on our land, consistent with our Code of Practice.

The Trust may be able to assist in meeting Biodiversity Net Gain requirements (if required) by providing off-site biodiversity units. This would be subject to operational, management and commercial considerations. Should the applicant / developer wish to discuss any opportunities to secure biodiversity units on Trust land please contact bngenquiries@canalrivertrust.org.uk

Summary

For clarity the Trust recommend conditions are required to address the matters listed below:

1) Risk Assessment and Construction Method Statement

No development shall take place until a Risk Assessment and Construction Method Statement detailing all proposed construction works (including foundation details) has first been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the agreed Method Statement and the mitigations measures identified therein.

Reason: In the interests of minimising the risk of any adverse impacts upon the structural integrity of the adjacent Grand Union canal, this needs to be required prior to commencement of development, and to comply with the guidance contained in Paragraphs 187 & 196-197 of the National Planning Policy Framework.

2) Materials – Council's own wording

3) Landscaping –

The development hereby approved shall proceed only in accordance with detailed landscaping plans which have been submitted to and approved in writing by the Local Planning Authority. This should include details on proposals for the reinstatement of the land

following removal of the existing steps to the Grand Union canal towpath and proposed / replacement trees and landscaping.

Reason: In the interests of the visual amenities of the Grand Union canal and biodiversity of the waterway corridor.

4) Construction and Environmental Management Plan (CEMP)

The development (including any works of demolition / remediation) shall proceed only in strict accordance with a Construction and Environmental Management Plan which has been submitted to and approved in writing by the local planning authority and thereafter the development shall be carried out in accordance with the approved details.

The CEMP should include details as to how the safety of waterway users will be protected during any works, asbestos survey, demolition plan and dust suppression mitigation; pollution prevention and response plan; construction surface water management plan; waste management plan; construction noise management plan and phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as when badgers, reptiles and amphibians are active and during bird nesting seasons).

Reason: To safeguard the environment and in the interests of the structural integrity of the waterway and to ensure the proposed works do not have any adverse impact on the safety of waterway users and the integrity of the Grand Union canal.

Should planning permission be granted we also request that the following /informatives are appended to the decision notice:

1) The applicant/developer is advised that there are fibre optic cables within the vicinity of the site along the footpath/towpath and necessary measures should be taken to ensure that these are not adversely affected during development. The applicant/developer is advised to continue to liaise with Ross Fogden, Infrastructure Services Engineer (ross.fogden@canalrivertrust.org.uk) on this matter and to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust .

2) The applicant is advised to contact Bernadette McNicholas of the Canal & River Trust's Estates Team (Bernadette.mcnicholas@canalrivertrust.org.uk) in order to ensure that the necessary licences or commercial agreements are obtained prior to any works being carried out on, over or under Trust owned land, including water space.

The Trust will also need it documented that the Council would maintain the new structure.

For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Comments as landowner

Part of the application site is owned by the Trust. However, we advise that no Notice appears to have been served on us by the Applicant

The applicant is advised to contact Bernadette McNicholas of the Canal & River Trust's Estates Team (Bernadette.mcnicholas@canalrivertrust.org.uk) to discuss this further and in order to ensure that the necessary licences or commercial agreements are obtained prior to any works being carried out on, over or under Trust owned land, including waterspace.

Please do not hesitate to contact me with any queries you may have.

4.1.6 Batchworth Parish Council: No objection.

BCC has no objections to the construction of the bridge provided that the agreement paperwork with the Canal and River Trust is in place prior to work starting and that a Construction Management Plan is in place as required by HCC Highways.

4.2 Public/Neighbour Consultation

- 4.2.1 Neighbours consulted: 3
- 4.2.2 Responses received: 0
- 4.2.3 Site Notice: Expired 07.11.2025.
- 4.2.4 Press Notice: Not required

5 Reason for Delay

- 5.1 To allow for the technical objection raised by the EA to be addressed..

6 Relevant Planning Policy, Guidance and Legislation

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

6.2 National Planning Policy Framework and National Planning Practice Guidance

In 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 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.

6.3 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 CP1, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM6, DM8, DM9, DM13 and Appendices 2 and 5.

The Batchworth Neighbourhood Plan 2023-2038 (adopted May 2025). Relevant policies include Policies BW GB1 and BW DE1.

6.4 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.

Environment Act 2021.

7 Planning Analysis

7.1 Impact on Green Belt

7.1.1 The application site is located within the Metropolitan Green Belt.

7.1.2 The fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence.

7.1.3 Paragraph 142 of the NPPF states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and permanence.

7.1.4 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, which relates to the construction of new buildings in the Green Belt, states approval will not be given for new buildings except in very special circumstances, or as specified in national policy and guidance.

7.1.5 For the purposes of Green Belt policy the proposed bridge is considered to be a 'building'. The NPPF does allow for exceptions to inappropriate development which includes paragraph 154 (d):

the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

7.1.6 Whilst the bridge would be slightly higher at its base to allow for greater clearance above the watercourse it would remain in a similar position and would be comparative in the size of the sides. Overall, it is not considered that the proposed bridge (or building for the purposes of the NPPF) would be materially larger than the one it replaces. Thus, it would be appropriate development and would not harm the openness of the Green Belt as a result. The development would therefore comply with Policy CP11 of the Core Strategy, DM2 of the Development Management Policies LDD and the NPPF.

7.2 Impact on the character and appearance of the host dwelling and the 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 relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.

7.2.2 Policy BW DE1 sets out that new development in the Batchworth Neighbourhood Plan area shall be based upon a design-led approach to development underpinned by good practice

principles and reflecting a thorough site appraisal. Respond positively to guidance and principles established in the Batchworth Neighbourhood Design Code, including but not limited to prevailing building heights, materials, development frontages, plot widths, boundary treatments and street enclosure.

7.2.3 The proposed replacement bridge would be in a similar location and not of a discernibly increased scale to what currently exists on site. The existing bridge has been in situ a number of years and the new bridge would be of an upgraded and improved appearance. Overall, would enhance the visual amenity of this part of the locality. Notwithstanding this the proposed bridge would be made of composite/recycled plastic as opposed to plastic. The colour of the material is not overtly clear from the plans submitted and as such further details would be required by condition to ensure this is appropriate.

7.2.4 In summary it is not considered that the proposed development would result in any adverse impact on the character or appearance of the streetscene or area and the development would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy, Appendix 2 of the DMP LDD and the Batchworth Neighbourhood Plan.

7.3 Impact on amenity of neighbours

7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.

7.3.2 There are no residential neighbours within the immediate vicinity of the replacement bridge which could be adversely impacted. Therefore, the proposed development would therefore be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and the Batchworth Neighbourhood Plan.

7.4 Highways & Parking

7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

7.4.2 The development does not impact the requirement for or the provision of parking.

7.4.3 A Construction Management Plan will be required by condition to ascertain require further details of construction access and arrangements.

7.4.4 Overall, subject to condition, it is not considered that the proposed development would result in any unacceptable harm to highway safety or parking requirements.

7.5 Trees & Landscape

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

7.5.2 The application site is not located within a Conservation Area however in order to access the bridge for replacement and installation access would be required in close proximity to mature trees. Three trees would also be removed in order to facilitate the proposal which are set out to be low quality. A full tree protection plan would be required by condition.

7.6 Biodiversity

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

7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

Herts Ecology have reviewed the ecology reports which have been submitted with the application. It is considered necessary for a construction environmental management plan to be secured by condition together with further bat and badger surveys. Additional details on the recommended migration measures would also be required by condition which relate to bat and bird boxes. However overall, subject to these conditions, Herts Ecology raised no objection and in turn the development would be acceptable in accordance with Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

7.7 Biodiversity Net Gain

7.7.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

7.7.2 In this case a biodiversity net gain plan would be required. The application has been supported by a BNG metric and accompanying report. These have been reviewed by Herts Ecology. A Biodiversity Gain Plan (BGP) would be a post determination matter however the LPA needs to be satisfied that the gain could be achieved. In this case the mandatory gain can be achieved however the 10% gain for watercourses would require off site credits. Herts Ecology considered that the information submitted with the application is sufficient for this stage and that a BGP can be submitted post determination (prior to commencement).

7.8 Flood Risk

7.8.1 Policy DM8 of the DMP LDD sets out that development will only be permitted where it would not be subject to unacceptable risk of flooding; and would not unacceptably exacerbate risk of flooding elsewhere. Where practicable existing flood risks should be reduced.

7.8.2 The application site is located in Flood Zone 3b (highest risk of flooding).

7.8.3 The Environment Agency initially raised an objection to the proposal on the basis that the modelling data used was not clear and in any event the base height of the bridge was not considered to be high enough to account for climate change flood events. The base height of the bridge has now been raised to account for the 'worst case' flood event taking into account climate change. A mammal ledge has also been introduced. On this basis the Environment Agency have withdrawn their objections and overall the development would comply with Policy DM8 of the DMP LDD.

7.9 Contamination

- 7.9.1 Policy DM9 of the DMP LDD sets out the Council's expectations in respect to contamination.
- 7.9.2 The canal and river trust have also commented that further site investigations should be undertaken to determine the extent of any contamination and any remediation required as a result of the findings. A condition will be added to require further details, to this effect, be submitted.

8 Recommendation

- 8.1 That **PLANNING PERMISSION BE GRANTED** subject to 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 and maintained in accordance with the following approved plans: QM-3339-001, QM-3339-002, QM-3339-003, QM-3339-101, QM-3339-102, QM-3339-103, QM-3339-104 and QM-3339-105

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2, DM6, DM8, DM9, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the Batchworth Neighbourhood Plan (2025).

- C3 No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

The Construction Management Statement shall include details of:

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

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

- C4 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved

in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the structure 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).

- C5 No development (including demolition) shall take place until a CEMP has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- Best practice measures to avoid pollution to the River Glade and to ensure that the works do not impact on water quality within the river.
- Timing restrictions for construction works including preferred timings for vegetation clearance and for construction works to minimise impacts on birds, bats and hedgehogs.
- All mitigation measures listed within the Ecology Report (Table 4) to prevent impacts on designated sites, habitats and species.
- Toolbox talk briefing on ecological sensitivities.
- Procedures for unexpected wildlife encounters.

The development shall proceed in accordance with the approved CEMP.

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

- C6 Prior to the commencement of the development hereby permitted A badger walkover survey and a bat GLTA shall be submitted to and approved in writing by the Local Planning Authority. The findings of the updated surveys and any changes and new mitigation strategies must be submitted to the LPA for approval before works commence.

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

- C7 Prior to the commencement of the development hereby permitted further details of the Ecological Enhancements proposed within the submitted reports shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be installed/provided on site prior to the first use of the bridge.

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

- C8 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

This shall include tree protection fencing along the full line of the construction access route.

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

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction 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 Prior to works above ground level a replacement planting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include 5 trees to be planted as standards in close proximity to those proposed to be removed.

The replacement tree planting shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reasons: 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).

- C10 Prior to the commencement of the development hereby permitted site investigations shall be undertaken by the relevant professional to determine the extent of any contamination, and the outcome including any required remediation reports submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development will not cause pollution of the environment or harm to human health, in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 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. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at

buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

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

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

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

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

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

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

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

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

Based on the information available, this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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 (Phase Plans).

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 The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any of the following activities:

- erecting any temporary or permanent structure in, over or under a main river, such as a culvert, outfall, weir, dam, pipe crossing, erosion protection, scaffolding or bridge
- altering, repairing or maintaining any temporary or permanent structure in, over or under a main river, where the work could affect the flow of water in the river or affect any drainage work
- building or altering any permanent or temporary structure designed to contain or divert flood waters from a main river

- dredging, raising or removing any material from a main river, including when you are intending to improve flow in the river or use the materials removed
- diverting or impounding the flow of water or changing the level of water in a main river
- quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- any activity within 8 metres of the bank of a main river, or 16 metres if it is a tidal main river
- any activity within 8 metres of any flood defence structure or culvert on a main river, or 16 metres on a tidal river • any activity within 16 metres of a sea defence structure
- activities carried out on the floodplain of a main river, more than 8 metres from the river bank, culvert or flood defence structure (or 16 metres if it is a tidal main river), if you do not have planning permission (you do not need permission to build agricultural hay stacks, straw stacks or manure clamps in these places)

For further guidance please visit Flood risk activities: environmental permits - GOV.UK or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment.agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity. Advice to applicant Signing up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit Sign up for flood warnings - GOV.UK. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email, or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families, and precious items to safety.

Flood warnings can also save lives and enable the emergency services to prepare and help communities. For practical advice on preparing for a flood, visit Prepare for flooding: Protect yourself from future flooding - GOV.UK To get help during a flood, visit What to do before or during a flood - GOV.UK For advice on what do after a flood, visit What to do after a flood - GOV.UK

16 1) The applicant/developer is advised that there are fibre optic cables within the vicinity of the site along the footpath/towpath and necessary measures should be taken to ensure that these are not adversely affected during development. The applicant/developer is advised to continue to liaise with Ross Fogden, Infrastructure Services Engineer (ross.fogden@canalrivertrust.org.uk) on this matter and to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

2) The applicant is advised to contact Bernadette McNicholas of the Canal & River Trust's Estates Team (Bernadette.mcnicholas@canalrivertrust.org.uk) in order to ensure that the necessary licences or commercial agreements are obtained prior to any works being carried out on, over or under Trust owned land, including waterspace.

The Trust will also need it documented that the Council would maintain the new structure.

For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Comments as landowner

Part of the Application Site is owned by the Trust. However, we advise that no Notice appears to have been served on us by the Applicant

The applicant is advised to contact Bernadette McNicholas of the Canal & River Trust's Estates Team (Bernadette.mcnicholas@canalrivertrust.org.uk) to discuss this further and in order to ensure that the necessary licences or commercial agreements are obtained prior to any works being carried out on, over or under Trust owned land, including waterspace.

Lauren Edwards
Three Rivers District Council
Development Control
Three Rivers House Northway
Rickmansworth
Hertfordshire
WD3 1RL

Our ref: NE/2025/138667/01

Your ref: 25/1691/FUL

Date: 28 October 2025

Dear Lauren,

The Glade Bridge, Over The River Colne, Adjacent Grand Union Canal, Off Church Street, Rickmansworth, Hertfordshire

Replacement of The Glade Bridge

Thank you for consulting us on the above application on 10 October. As part of the consultation, we have reviewed the following documents:

- 9m Span Bridge Detail, for Glade Bridge, Rickmansworth, prepared by Aquamaintain, drawing no. AQM-3339-001, revision 01, dated 4 July 2025.
- BNG Metric Assessment, for The Glade, reference BNG-Project Number 6370 (no date)
- Biodiversity Checklist, signed by J. Hodges, for The Glade Bridge, dated 09 October 2025.
- Ecology Report, for The Glade, prepared by Surrey Wildlife Trust, project number 6370-A, rev. 1.0, dated 29 September 2025.
- East Elevation, for Glade Bridge, prepared by Aquamaintain, drawing no. AQM-3339-104, version 01, dated 29 September 2025.
- Existing Block Plan, for Glade Bridge, prepared by Aquamaintain, drawing no. AQM-3339-002, revision 01, dated 4 July 2025.
- Existing Location Plan, for Glade Bridge, prepared by Aquamaintain, drawing no. AQM-3339-001, revision 01, dated 4 July 2025.
- Flood Risk Assessment, for Replacement Footbridge Over The River Colne, prepared by Aquamaintain, rev. 01, no date.
- Location Plans (1:500, 1:1000 & 1:1250), for The Glade Bridge, Rickmansworth.
- South Elevation, for Glade Bridge, prepared by Aquamaintain, drawing no. AQM-3339-103, revision 01, dated 29 September.
- West Elevation, for Glade Bridge, prepared by Aquamaintain, drawing no. AQM-3339-101, revision 01, dated 4 July 2025.

Environment Agency Position

Based upon a review of the submitted information, **we object** to this development on

two grounds: firstly, the application does not sufficiently restore the ecological value of the river corridor in line with national and local biodiversity policies; and second, it does not demonstrate that the proposed bridge design meets the required flood modelling standards or soffit height clearance. We therefore recommend that planning permission be refused in accordance with paragraphs 41 of the Habitat Regulations 2017, paragraphs 187 and 193 of the National Planning Policy Framework, Section 40 of the NERC Act 2006 (as amended), and The Three Rivers Local Plan Policy DM6 & DM8.

Objection 1: Insufficient Restoration of Ecological Value in the River Corridor

We object to the proposed development as submitted due to its insufficient restoration of the ecological value of the river corridor, which does not align with the objectives of the River Basin Management Plan. On this basis, we recommend that planning permission be refused.

Reasons

Engineered river channels are among the most damaging interventions to ecologically valuable habitats. As a public authority, we have a responsibility to promote the restoration and enhancement of watercourses to more natural conditions wherever possible. Paragraph 41 of the Habitat Regulations 2017 recognises rivers and their banks as essential corridors for the migration, dispersal, and genetic exchange of wild species. The current bridge design restricts this function by preventing mammal passage along the river corridor.

This objection is further supported by paragraphs 187 and 193 of the National Planning Policy Framework (NPPF), which emphasise the role of the planning system in conserving and enhancing the natural environment, minimising biodiversity impacts, and delivering net gains. The Three Rivers Local Plan policy DM6 Biodiversity, Trees, Woodlands, Watercourses and Landscaping, also reinforces this by requiring development to seek opportunities for habitat connectivity with the wider landscape, improve site biodiversity, and contribute to the riparian corridor's function for migrating species. It also identifies the River Chess Valley as a key biodiversity area within the Hertfordshire Biodiversity Action Plan.

Additionally, Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, as amended by Section 102 of the Environment Act 2021, places a general duty on public authorities to conserve and enhance biodiversity through the exercise of their functions. This means we must assess how proposals within our remit could contribute to biodiversity and reflect this in our decision-making. The current proposal represents a missed opportunity to enhance biodiversity by improving riparian habitat connectivity.

The ecological value of restoration in this location is particularly high due to the presence of water voles and otters, both of which are listed as species of principal importance under Section 41 of the NERC Act 2006.

Overcoming Objection 1

To address this objection, we recommend that the bridge design be revised to include a mammal ledge, such as vegetated berms, or that the bridge abutments be

set back to allow for unobstructed animal passage beneath the structure. These measures would help restore ecological connectivity and support the movement of species along the river corridor.

Objection 2: Inadequate Assessment of Flood Modelling and Bridge Soffit Height

We object to this application on the grounds that the applicant has not used the appropriate flood modelling data and has failed to meet the required soffit height for the proposed bridge structure.

This approach is inconsistent with national policy, particularly paragraphs 170 to 175 of the NPPF, which requires development to be appropriately located and designed to avoid flood risk, incorporate suitable mitigation measures, and ensure safety for its lifetime. The proposal also fails to meet the requirements of the Planning Practice Guidance on Flood Risk and Coastal Change, which emphasises the use of accurate, up-to-date modelling and appropriate design standards for infrastructure in flood-prone areas, and is in line with Three Rivers Local Policy DM8, which requires development to be safe from flooding for its lifetime, incorporate appropriate mitigation measures including minimum soffit and finished floor levels, and ensure no loss of floodplain storage through a robust compensation scheme.

Reason for Objection

The applicant has proposed a soffit height of 45.8 metres Above Ordnance Datum (mAOD), based on an interpolated 1 in 100-year plus climate change flood level of approximately 44.5 mAOD. However, our current modelling indicates that the actual flood level exceeds the proposed soffit height. This discrepancy raises concerns about the adequacy of the bridge design in relation to flood risk and resilience.

Overcoming Objection 2

To ensure the proposed structure is safe and compliant, the applicant must obtain and apply the correct and most up-to-date flood modelling data. This can be requested by contacting HNL enquiries@environment-agency.gov.uk. The soffit level must be revised to ensure it is set at least 600mm above the 1 in 100-year plus climate change modelled flood height. This clearance is essential to mitigate flood risk and ensure the long-term resilience of the structure.

Furthermore, any increase in ground level or footprint within the 1 in 100-year plus climate change flood extent must be offset by an appropriate floodplain compensation scheme. This is necessary to ensure that there is no net loss in flood storage capacity, which could otherwise exacerbate flood risk in the surrounding area. The compensation scheme must be robust and demonstrate that flood storage will be maintained or improved as part of the development.

Please Note: Floodplain Development and Mitigation Requirements

Please be advised that any increase in built development or raising of ground levels within the floodplain (defined as the area with a 1% annual probability of flooding, plus an allowance for climate change) will only be considered acceptable where it can be clearly demonstrated that there will be no net loss of flood storage.

The preferred method of mitigation is level-for-level and volume-for-volume compensation. This approach requires suitable land to be available on the edge of the floodplain and above the 1% annual probability flood level, including an appropriate allowance for climate change.

If it is not feasible to provide level-for-level and volume-for-volume compensation, alternative mitigation measures may be considered, subject to agreement with the Local Planning Authority (LPA). In such cases, the Flood Risk Assessment (FRA) must:

- Demonstrate that level-for-level and volume-for-volume compensation was considered;
- Provide a clear justification for why it could not be implemented; and
- Detail how the proposed alternative mitigation will minimise any associated flood risk.

If the LPA is not satisfied that the proposed alternative mitigation is appropriate, the applicant will be expected to revise their development proposals to ensure there is no increase in built footprint within the floodplain.

Presumption in favour of sustainable development

We are aware that your Local Planning Authority (LPA) may currently be subject to the 'presumption in favour of sustainable development'. Given our outstanding objection on flood risk grounds we would like to highlight that in this case, as set out in National Planning Policy Framework footnote 7, the 'presumption in favour of sustainable development' should not apply as our objection provides a clear reason for refusal.

Informative

Please include the below informative for any permission granted.

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

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

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission

has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to Local Planning Authority

Watercourse Biodiversity Net Gain (BNG) Assessment

The submitted BNG Metric indicates that the required biodiversity units for the watercourse habitat will not be delivered. In line with the mitigation hierarchy, BNG should be delivered onsite wherever feasible, with offsite delivery considered only if onsite options are demonstrably unachievable. BNG credits should be treated as a last resort. We strongly recommend this principle is taken into account during the determination of the application.

The River Condition Assessment (Ecology Report, Appendix 3: Habitat Survey, Section 1.1.7) confirms that 0% net gain will be achieved for the river habitat. It states:

“The baseline condition of the river was moderate condition, and to achieve a net gain it would have to be enhanced to good condition. This is not considered to be a feasible achievement of the development owing to the small extent of river reach that is within the survey area, and as to in order to enhance these areas of river, catchment wide improvements would be required which are far beyond the scope of the development proposals.”

However, it is important to note that uplift in watercourse condition does not require enhancement of the entire stretch. According to the [Statutory Biodiversity Metric User Guide \(page 40\)](#), the watercourse within the red line boundary should be divided into distinct sections based on riparian characteristics such as condition and encroachment levels. Each section should be recorded as a separate line in the watercourse metric. This approach allows for more targeted enhancements and increases the feasibility of achieving the required 10% net gain onsite.

In the submitted BNG Metric, the watercourse has been recorded as a single continuous stretch, which limits the opportunity for achieving onsite net gain. We recommend that the Watercourse Metric Module be reassessed to prioritise onsite delivery.

To support condition uplift, the River Condition Assessment suggests the following enhancement measures:

- Revert over-deepening by creating vegetation-based physical features such as berms. Incorporating gravel can provide valuable breeding and sheltering habitat for fish and invertebrates, while also reducing erosion.
- Selective and rotational management of mature trees to reduce overshadowing and improve channel bed vegetation richness and extent.
- Bridge daylighting techniques to reduce artificial impacts, such as:
 - Creating small gaps in bridge structures to improve light levels along the river margins.

Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures.

Physical barriers, raised electrical fittings, and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience

https://www.ciria.org/CIRIA/Resources/Free_publications/CoP_for_PFR_resource.aspx

British Standard 85500 – Flood resistant and resilient construction

<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

Flood risk issues not within our direct remit

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application, we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought. Adequacy of rescue or evacuation arrangements.

- Details and adequacy of an emergency plan
- Details and adequacy of flood proofing and other building level resistance and resilience measures
- Whether insurance can be gained or not
- Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased

Flood warning and emergency response

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. Planning Practice Guidance (PPG) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to '[Flood risk emergency plans for new](#)

development’ and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 181 of the National Planning Policy Framework and the guiding principles of the PPG.

Use of Sustainable Drainage Systems (SuDS)

Support for the use of SuDS to ensure development does not increase flood risk elsewhere is set out in paragraph 181 of the National Planning Policy Framework.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). SuDS manage surface water run-off by simulating natural drainage systems. Whereas traditional drainage approaches pipe water off-site as quickly as possible, SuDS retain water on or near to the site. As well as reducing flood risk, this promotes groundwater recharge, helps absorb diffuse pollutants, and improves water quality. Ponds, reedbeds and seasonally flooded grasslands can also be particularly attractive features within public open spaces.

SuDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. As such, virtually any development should be able to include a scheme based around these principles. In doing so, they’ll provide multiple benefits and will reduce costs and maintenance needs.

Further information on SuDS can be found in:

- the CIRIA C697 document SuDS manual
- HR Wallingford SR 666 Use of SuDS in high density developments
- CIRIA C635 Designing for exceedance in urban drainage – good practice
- the Interim Code of Practice for Sustainable Drainage Systems – the Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SuDS

Advice to applicant

Pre-Application Advice

We strongly encourage applicants to seek our pre-application advice to ensure environmental opportunities are maximised and to avoid any formal objections from us. If the applicant had come to us we could have worked with them to resolve these issues prior to submitting their planning application. The applicant is welcome to seek our advice now to help them overcome our objection via

HNL.SustainablePlaces@environment-agency.gov.uk.

Further information on our charged planning advice service is available at;
<https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>.

Final comments

Thank you for contacting us regarding the above application. Our comments are

based on our available records and the information submitted to us. Please quote our reference number in any future correspondence.

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

In accordance with the planning practice guidance (determining a planning application, paragraph 038), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Should you have any queries regarding this response, please contact me.

Yours sincerely,

Lauren Clayton-Spencer
Planning Advisor

Email: HNL.SustainablePlaces@environment-agency.gov.uk
Direct Dial: 020 3025 0962





PLANNING COMMITTEE – Thursday 18 June 2026

26/0039/FUL – Erection of two self-build detached dwellings, alterations to existing vehicular access and land levels and proposed associated landscaping at The Dell, Long Lane, Heronsgate, Hertfordshire, WD3 5DJ

Parish: Chorleywood Parish Council

Ward: Chorleywood South And
Maple Cross

Expiry of Statutory Period: 16.03.2026
Extension of time agreed: 26.06.2026

Case Officer: David Heighton

Recommendation: That subject to the completion of a Section 106 Agreement securing an off-site affordable housing financial contribution, two self-build dwellings and associated monitoring fee(s) that the application be delegated to the Head of Regulatory Services to **grant planning permission** subject to conditions as set out at section 8 below.

Reason for consideration by the Committee: This application has been called in by three members of the Planning Committee and Chorleywood Parish Council for the following reasons: Green Belt, harm to Heronsgate Conservation Area and sustainability.

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=T8SI7DQFJL00>

1 Relevant Planning and Enforcement History

1.1 W/4786/72: Dog kennels, cat pens.

1.2 24/0055/COMP: Unauthorised Erection of gates, bollards, entrance, signage and bunding / excavation – Pending consideration (access, gates and associated elements require planning permission).

1.3 25/1199/FUL: Construction of 2no. selfbuild single storey detached dwellings with lower ground floor level, with associated garage, bin store, parking, access alterations and landscaping works (phased development). Refused, for the following reasons:

R1: The proposed development would fail to comply with any of the exceptions as set out within paragraph 154 and would not comply with paragraph 155 of the NPPF (2024), therefore resulting in an inappropriate form of development in the Green Belt, which, by definition, would be harmful. The development would result in substantial harm to the openness of the Green Belt. Whilst material planning considerations exist, no very special circumstances exist to outweigh the harm to the Green Belt and any other harm identified. The proposed development would therefore be contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

R2: The proposed access alterations by virtue of its width and scale, associated walls, gates, extent of hardsurfacing and loss of trees along the front boundary would fail to preserve or enhance the rural character and appearance of the area and would also adversely impact the setting of the adjacent Heronsgate Conservation Area. The development would lead to less than substantial harm to the Heronsgate Conservation Area, and, no public benefits have been demonstrated which would outweigh the harm. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the of the Development Management Policies LDD, the Heronsgate Conservation Area (2012) and the NPPF (2024).

R3: The application site is not located within a sustainable location; it lies within an area with no footway, no street lighting, very limited public transport links and no local amenities. It therefore has poor accessibility and connectivity options to other settlements therefore relying on the extensive use of private motor travel. It has also not been demonstrated that there would be safe and adequate means of access to the dwellings and ensure there would be no harm to the safe movement and free flow of other highways users. The development would therefore be contrary to Policy CP1, CP2 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 of the Development Management Policies LDD (adopted July 2013) and the NPPF 2024.

R4: In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990, the development would not contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

2 Description of Application Site

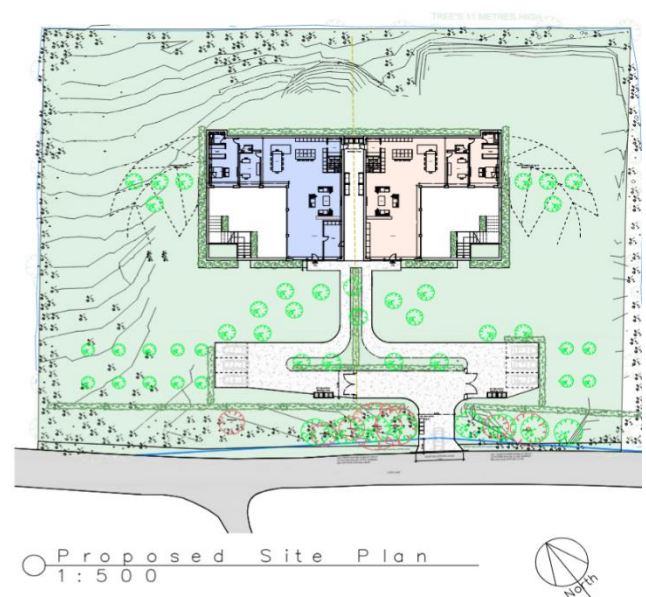
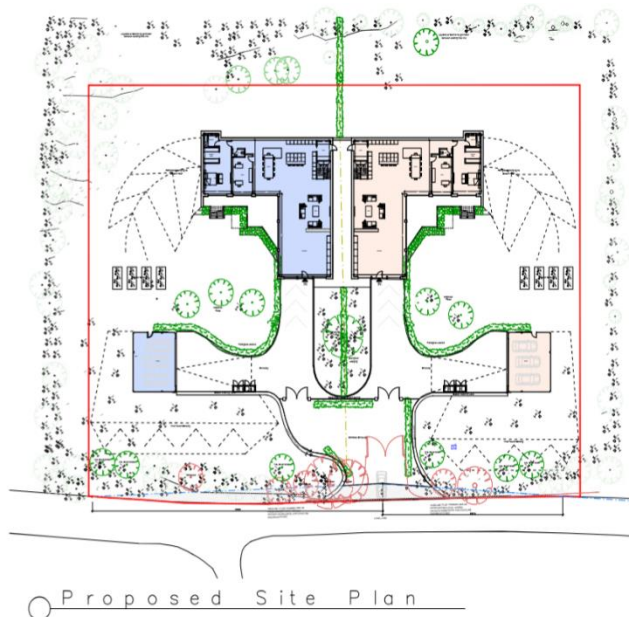
- 2.1 The application site is rectangular in shape and located to the east of Long Lane, Heronsgate.
- 2.2 The site has the character of a dell with the north, eastern and southern boundaries located on a considerably higher land level, with boundary trees and low level fencing enclosing the site. The western boundary adjoins the highway with access to the site. A metal gate has been constructed (unlawfully) and is the subject of enforcement case 24/0055/COMP.
- 2.3 Long Lane generally consists of detached dwellings located on the western side forming part of Heronsgate. The eastern side of Long Lane is rural in character with the road enclosed by tree belts serving open fields.
- 2.4 The application site, having been cleared of vegetation prior to the application submission, contains low level walls, low level structures and areas of hardstanding / paths pertaining to the site's historic use for dog kennels and cat pens.
- 2.5 In terms of policy designations, the application site falls within the Metropolitan Green Belt and a section of the front of the site is within the Heronsgate Conservation Area.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the construction of 2no. self-build single storey detached dwellings with lower ground floor level, with associated garage, bin store, parking, access alterations and landscaping works (phased development).
- 3.2 The proposed two detached dwellings would be back approximately 30m from the front boundary of the site with Long Lane and each would have a 'L' shaped layout, accommodating a ground floor and sub-ground / basement floor level with access to a lowered patio area. The dwellings would be separated by a 3m wide open area, which would include the provision of cycle and bin storage. The two dwellings would be integrated into the site topography.
- 3.3 The dwellings would have a flat roof form, but each including a 12.2m gabled front projection, the former of which would be green roofed and incorporate rooflights. The dwellings would have an overall collective width of 44m and have glazing to the front in the form of three full length window panels. Each dwelling would accommodate 5 bedrooms (including guest room). High energy efficient glazing, timber cladding and a stone coloured render are proposed to the exterior of the dwellings. Gravel aggregate is proposed for hardstanding permeable surface areas.

- 3.4 The dwellings would have a ridge height of 5.4m from the ground floor level to the front elevation with an eaves height of 2.3m. Within each roof slope 14 photovoltaic panels are proposed, a total of 28 per dwelling.
- 3.5 To the front of the dwelling, new driveways would be constructed, extending from an access via Long Lane. The driveways would each provide for 3 parking spaces. Upon entering the site, two gates are to be proposed, which would be set back approximately 9.5m and 90 degrees from the highway and would serve each dwelling respectively. The proposed access adjacent to Long Lane would be unaltered apart from the provision of visibility splays.
- 3.6 Some of the trees to the site boundaries are proposed to be removed with the addition of new trees and soft landscaping within the site and to the front area. Areas of wildflower banking would be proposed to the front boundaries. Two bin storage collection areas serving each proposed dwelling would be located within the driveway.
- 3.7 An air source heat pump and garden store/plant room would be located within the lower ground floor courtyard area of each dwelling. Steps would allow for access from lower ground to upper ground floor level.
- 3.8 In terms of the key differences from the previous refused scheme these include:
- Removal of gabion walls and gates adjacent to the highway,
 - Removal of garages to the front of the site,
 - Removal of bunds to the front of the site,
 - Reduced the extent of hardstanding to the front,
 - Reduced the width of the vehicle access into the site and maintaining it at its current width,
 - Increased landscaping to the front of the site,
 - Retain trees along the front of the site where possible apart from the proposed splay.

This is also demonstrated below with the previous block plan for the refused development (left) and new proposed block plan for the current application (right).



4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: [Objection]

The committee had objections to this application on the following grounds and wish to CALL IN unless the officers are minded to refuse.

Sustainability – The site is not in a sustainable position as it is not within an appropriate walking distance from local amenities & facilities and is not supported by regular public transport. The site does not provide safe walking or cycling routes to local facilities / amenities as it is only served by narrow unlit singles track lanes with no pavements.

Green Belt – It is accepted that the site could be considered as grey belt and, if so, the development would not be considered as inappropriate for development in the Green Belt under NPPF paragraph 155 (a) in isolation. However, as the site is not considered sustainable (see above), the application fails the test in paragraph 155 (c) and therefore must be considered inappropriate development when viewed against the whole of paragraph 155.

Heritage – Site lies partially within the Heronsgate Conservation Area with the remainder of the site forming part of the setting of the Conservation Area. The development would impact the boundaries of the sunken lane (Long Lane), which forms part of the character of the settlement and is specifically referred to in the Conservation Area Appraisal. In addition, development outside of the boundary of the Conservation Area would have an impact on the rural feel of the setting of the Conservation Area. Bearing in mind the purpose of the creation of the Heronsgate settlement, this rural feel is critical to the setting of the Conservation Area. As such there must be considered to be harm to the Heritage Asset and it is not considered that there is sufficient public benefit by the provision of two new dwellings to outweigh this harm.

Ecology – A reptile survey should be undertaken of the site as the form of it is highly suitable for endangered reptiles such as slow worms.

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 Hertfordshire County Council: Highway Authority: [Objection]

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

1. The potential to support and promote sustainable forms of travel is limited and unsatisfactory and contrary to policy guidelines as outlined in the National Planning Policy Framework (NPPF), specifically paragraphs 115a, b and 117a, b, c and Hertfordshire County Council's Local Transport Plan 4 (LTP4), specifically Policy 1: Transport User Hierarchy and Policy 5: Development Management.

The Highway Authority has received notification of another application for two dwellings at this location. It previously recommended refusal on an application (25/1199/FUL) for the same reasons and as the sustainability situation remains the same, the Highway Authority's recommendations are reapplied.

Following consideration of the location of the site, the potential to promote and encourage sustainable forms of travel (including cycling; walking and public transport) to and from the proposed site is poor and limited. The proposed dwellings would therefore be reliant on the use of a private motor vehicle.

The site is located to the north-east of the village of Heronsgate. The proposed dwellings would be accessed via Long Lane, which is designated as a local distributor 'C' road and subject to a speed limit of 40mph. The speed limit changes to 60mph approximately 300m south-east of the access to the site. Long Lane is classed as a P1/M1 (e.g. Rural Lane) on HCC's Place and Movement Network. Hertfordshire County Council consider Long Lane a traffic sensitive road during peak hours (07:00 - 09:30 and 16:00 - 18:30). The carriageway is made up of a single lane and there are no public footways and therefore there is no safe or suitable access for pedestrian users to and from the site.

A roundabout which allows entry and exit from the M25 (Junction 17) as well as Denham Way, (A405) a dual-carriageway, is approximately 400m south-east of the site, will likely increase the levels of traffic during peak hours above the expected level of a standard rural lane.

Conclusion

Following consideration of the above points, HCC as Highway Authority is therefore recommending that the application be refused. The sustainable travel options to and from the site are limited and not satisfactory and the application does not demonstrate that safe and suitable access can be provided for all users, particularly when taking into account the nature of Long Lane as a traffic sensitive road as well as its link with the M25 and A405 to the south-east.

4.1.2.1 Officer Comment: Further clarification was sought during the course of the application.

We feel this way for the following reasons:

Active Travel England states that "bus stops should be easily accessible... the routes to bus stops should be safe, direct, convenient and accessible for people of all abilities. Development sites should be served by frequent and reliable bus services which provide connections between the development and key destinations". ([Bus stops | Active Travel England](#)). The nearest marked bus stop (identified by both the HA and the applicant in the TTN as Stockport Road) is further than the recommended walking distance outlined in Planning for Walking by the CIHT (400m). The 400m referenced above is typically expected to be a walk within segregated or separated footways, rather than walking with traffic on the road of this type. On the day of checking services, Stockport Road will see two buses, one at 10:05 and one at 12:15, in one direction. This means that the bus stop is not accessible for people of all abilities and does not have frequent bus services. A nearer, unmarked bus stop, highlighted directly outside of the site on google maps has no data on our system associated with it. Our bus infrastructure team have told me that it is likely this stop is almost never used. The bus operator has in fact been asked to remove this service from the road altogether due to the use as a 'rat-run' whenever the M25 is congested. The use of this road as a 'rat-run' provides further evidence that Long Lane is not a road in which it is expected that network users, including vulnerable pedestrians, could safely access the site (or purported nearby amenities – which seemingly appear to be noted as two pubs as stated in the TTN) by walking or by cycling.

We feel that there should be no expectation on pedestrians of proposed dwellings to walk along a distributor road with no footpath which connects to the M25 roundabout to the south.

Additionally, as outlined in LTN 1/20 ([Cycle Infrastructure Design](#)) Figure 4.1 states that for 40mph roads, cycle provision which is suitable for 'most people' can only be via a 'fully kerbed cycle track' in its own protected space for cycling. Mixing cycling with road traffic is 'suitable for few people and will exclude most potential users and/or have safety concerns'. We are therefore of the opinion that it would be unsuitable to expect residents of the dwellings to rely upon cycling to nearby amenities on a site which according to LTN1/20 is not suitable for mixed transport.

The above would result on a complete reliance on motor vehicles which would go against policies in Hertfordshire County Council's Local Transport Plan 4 (LTP4) and the NPPF.

No concerns relating to highway safety in terms of access.

I would recommend the inclusion of the following condition:

COND1): Provision of Visibility Splays

Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 47 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Additional comments

We are content with internal access road widths. Particularly the 5.5m at the start of the access road as this allows two large vehicles to pass each other. A decrease in width to 4.5m when the road splits off is also acceptable as there is a smaller likelihood of traffic meeting each other.

Applicant has provided speed surveys confirming speeds are lower than the limit (40mph). This was confirmed in a pre-app and we recommended vis splays of 2.4m by 47m in line with Manual for Streets Table 7.1. This has been included by condition to ensure this is kept in perpetuity as we are aware of vegetation lining the site boundary.

4.1.3 *Environmental Health Officer:* Comments remain relevant from the previous application.

A Phase 1 has been submitted which has identified historic use of the site which could result in potential contamination and pathways for the intended use. Based on this, further investigation will be required and therefore a contaminated land condition is recommended on this and any subsequent applications for the site.

- 1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority),
 - i) A Phase 2 Contamination Assessment is required as detailed in section 3.5 of the Geo – Environmental Desk Study submitted (BRD4586-R1-B) dated April 2025.*
 - ii) Following the site investigation results and a detailed risk assessment, an options appraisal and remediation strategy giving full details of the remediation measures will be required along with details of how they are to be undertaken.*
 - iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

3. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1.

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

4.1.4 Conservation Officer: [Objection]

The application is for Construction of 2no. self-build single storey detached dwellings with lower ground floor level, with associated garage, bin store, parking, access alterations and landscaping works (phased development).

The site does not contain any nationally or locally listed buildings. A small section of the site on the western side adjacent to Long Lane is in the Heronsgate Conservation Area. Most of the site is outside the Conservation Area and forms part of its setting.

The character of the Conservation Area is rural, with houses on Long Lane set in large plots with the houses set well back from the road, with most of the properties facing Long Lane designated as Locally Important Buildings including Sherwood and Herons Lodge, which are attractive historic buildings and are mentioned in the Heronsgate Conservation Area Appraisal (CAA).

There is no existing development along the eastern side of Long Lane bordering the Conservation Area. It is noted that the site was previously developed with buildings as an animal home, although this appears to have been for a relatively short period of time, as OS maps from 1960 show a small gravel pit with no buildings. However, in its current state it appears rural and non-developed, albeit with some hard surfacing at ground level inside the site, which is not easily visible from Long Lane. On this basis it currently makes a positive contribution to the Conservation Area as part of its rural edge. In addition, the site

is raised well above the ground level on Long Lane and therefore development at the site has the potential to be prominent and have an impact on the Conservation Area.

This application follows a response 25/1199/FUL dated 18th September 2025.

In the previously refused application, heritage concerns were raised over harm to the character of the Conservation Area, with the houses representing a change of character from relatively undeveloped to residential.

In the current proposal, the following amendments have been highlighted:

- The existing lawful access will be improved but not widened.*
- The extent of hardstanding will be reduced.*
- The previously proposed garages gabion walls, gates and bunding would be omitted.*
- Trees and soft landscaping will be retained/increased as far as possible.*

The proposal would be less harmful than the previous proposal. However, the proposal would still involve excavation to alter the existing ground levels, with the houses at two storeys with pitched roofs, at ground levels above that of Long Lane. This would alter the existing uniformly green boundary to the Conservation Area on Long Lane, detracting from its setting by bringing residential development to the edge of the Conservation Area and undermining the existing rural character.

This would not preserve the existing character of the Conservation Area, contrary to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In NPPF terms, the degree of harm would be less than substantial as per para 215 and great weight should be given to the asset's conservation as per para 212. In addition, harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use as per para 215, which should be taken into consideration in the overall planning assessment.

4.1.5 Hertfordshire Ecology: [No objection, subject to conditions]

Comments

This application is exempt from BNG as it meets the required criteria for self-build or custom build.

The ecology appraisal reports recommendations for presence/ likely absence surveys for reptiles. These have not been carried out. Given the lack of reptile records in the area and having reviewed the site photos a precautionary method of working for reptiles is required. There are no other comments on the documents submitted with the application.

Recommended Planning Conditions

1. Before any works commence a survey to check for the presence of badger setts is required to be completed and submitted to the LPA. Should any be recorded a mitigation plan will need to be prepared.

Reason: to ensure that badgers will be protected during construction and that the baseline has not changed.

2. Before any works commence a precautionary method statement for reptiles shall be prepared and submitted to the LPA for approval.

Reason: to ensure that reptiles will be protected during construction.

3. Before any works commence a District Level Licence for Great Crested Newt shall be obtained from Natural England and submitted to the LPA.

Reason. To mitigate for loss of suitable habitat for Great Crested Newts.

4.1.6 Landscape Officer: [Advisory comments]

The trees proposed for removal are all either infected with ash dieback, or in too poor condition to TPO and growing along the highway verge.

The tree protection measures should be installed in accordance with the Arboricultural Impact Assessment and Method Statement dated December 2025 and a condition is recommended for the landscape/planting plan to ensure proactive planting to screen the development from the surroundings and the road.

4.1.7 Thames Water: [Advisory comments]

WASTE COMMENTS:

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 & 169 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/help/home-improvements/how-to-connect-to-asewer/sewer-connection-design>

Public sewers are crossing or close to your development. Build over agreements are required for any building works within 3 metres of a public sewer and, or within 1 metre of a public lateral drain. This is to prevent damage to the sewer network and ensures we have suitable and safe access to carry out maintenance and repairs. Please refer to our guide on working near or diverting our pipes: <https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes> Please ensure to apply to determine if a build over agreement will be granted.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

The foul water network in this catchment is impacted by high infiltration flows during certain groundwater conditions. Care must be taken when designing new networks to ensure they don't surcharge and cause flooding. Whilst design and construction guidance for sewers allows for an element of infiltration, we would expect in high risk areas such as this that additional precautions are taken to minimise infiltration; this should be in the form of the installation of leak tight liners within sewers and resin injection to seal chambers. This will help to mitigate the risk of flooding in the vicinity of the development (e.g. reduce property flood risk and travel disruption in the locality) and also help to reduce the risk of pollutions in the wider environment, particularly considering the impact of climate change. In the longer term, Thames Water, along with other partners, are working on a strategy to reduce groundwater entering public sewer networks.

The surface water network in this catchment is impacted by high infiltration flows during certain groundwater conditions. Care must be taken when designing new networks to ensure they don't surcharge and cause flooding. Whilst design and construction guidance for sewers allows for an element of infiltration, we would expect in high risk areas such as this that additional precautions are taken to minimise infiltration; this should be in the form of the installation of leak tight liners within sewers and resin injection to seal chambers. This will help to mitigate the risk of flooding in the vicinity of the development (e.g. reduce property flood risk and travel disruption in the locality) and also help to reduce the risk of pollutions in the wider environment, particularly considering the impact of climate change. Developers must liaise with the LLFA to agree an appropriate sustainable surface water

strategy following the sequential approach before considering connection to the public sewer network. This must also ensure that the design of any SUDS or surface water management solution conveys exceedance flows away from public sewer networks. In the longer term, Thames Water, along with other partners, are working on a strategy to reduce groundwater entering public sewer networks.

WATER COMMENTS:

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

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

4.1.8 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 2.

4.2.2 Summary of responses received:

Objection – 48

Urbanising development
Detrimental heritage impact and impact on setting of Conservation Area.
Loss of vegetation and trees
Visual harm/damage to rural Lane.
Green Belt harm and significant harm to openness.
Vegetation screening would take time to establish.
Winter and night time impact.
Lighting impact.
Unsustainable location.
Impact on highway safety.
Unauthorised works.

Support – 4

Proposed homes blend into the local landscape
Green design.
Modest development.
Intended landscaping, diverse environment and habitation for wildlife.

4.2.3 Site Notice: Posted: 22.01.2026 Expired: 12.02.2026.

4.2.4 Press Notice: Published: 30.01.2026. Expired: 20.02.2026.

5 Reason for Delay

5.1 Additional information required.

6 Relevant Planning Policy, Guidance and Legislation

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

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

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

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

The Environment Act 2021.

6.2 National Planning Policy Framework and National Planning Practice Guidance

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

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

6.3 The Three Rivers Local Development Plan

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

The 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 is relevant.

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM3, DM4, DM6 and DM13.

6.4 Other Material Considerations

Heronsgate Conservation Area Appraisal (April 2012).

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

Housing Delivery Test Action Plan 2022 (December 2024 update).

Housing Land Supply Update 2025 (April 2026).

Affordable Housing Supplementary Planning Document (adopted June 2011).

7 Planning Analysis

7.1 Principle of Development

7.1.1 The proposed development would result in a net gain of two dwellings on the application site. The site is not identified as a housing site in the Site Allocations LDD (SALDD) (adopted November 2014). However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

7.1.2 Policy CP2 of the Core Strategy (adopted October 2011) advises that in assessing applications for development not identified as part of the District's housing land supply, including windfall sites, applications will be considered on a case by case basis having regard to:

- i. The location of the proposed development, taking into account the Spatial Strategy.
- ii. The sustainability of the development and its contribution to meeting local housing needs.
- iii. Infrastructure requirements and the impact on the delivery of allocated housing sites.
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

7.1.3 The application site is located outside of the main settlement boundaries and is not located within any of the Settlement Hierarchies as set out within the Core Strategy. The application site is not allocated nor is it in a sustainable location for transport or local services (assessed in further detail below). Consequently, the unsustainable location of the site would weigh against the proposal and is discussed in detail at section 7.12.

7.2 Impact on the Green Belt

7.2.1 The National Planning Policy Framework 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 Belts are their openness and their permanence. The National Planning Policy Framework sets out that Green Belt serves five purposes:

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

7.2.2 The NPPF sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness (Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate). Inappropriate

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

- 7.2.3 Core Strategy Policy CP11 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 document also advises that within the Green Belt, except in very special circumstances approval will not be given for new buildings other than those specified in national policy and other relevant guidance. The adopted policies of the Three Rivers District Council Local Plan are reflective of the of the NPPF.
- 7.2.4 Paragraph 153 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.2.5 The construction of new buildings in the Green Belt is considered inappropriate however Paragraph 154 sets out six exceptions to inappropriate development which include:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) and;
 - g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings) which would not cause substantial harm to the openness of the Green Belt.**
 - h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.
- 7.2.6 The application site is largely open in character, well enclosed by trees which are set on a higher land level which assist in forming the character of a dell. A historic planning permission in 1972 (W/4786/72) included buildings associated with the use as dog kennels and a cattery on the application site. These buildings have subsequently been removed although the remnants of the buildings and their location on site corroborates with the plans submitted under W/4786/72. Following a site visit during the course of this application, officers observed areas of hardstanding, steps, paths, and small brick built structures. From comments received and from the information provided with the application the site was

cleared of overgrown vegetation and various trees were removed, prior to the submission of the previous application.

7.2.7 The applicant's approach to the Green Belt is that the application site forms previously developed land and does not result in substantial harm to the openness of the Green Belt. Accordingly, the applicant contends that the development would accord with paragraph 154 (g) of the NPPF.

7.2.8 When considering whether the application site forms previously developed land it is necessary to have regard to its definition, as set out within Annex 2 of the NPPF:

'Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

7.2.9 With regards to previously developed land, it is agreed from the available evidence under the previous refused scheme that the land was lawfully developed for its purpose as dog kennels and a cattery. However, it is evident that this use ceased a significant time ago. Nevertheless, the land "was" occupied by structures and fixed surface infrastructure which was associated with the historic use. However, whether the site is previously developed rests on whether officers consider that the remains of the structures or fixed surface structure have blended into the landscape.

7.2.10 As above, the buildings have been since demolished, although large areas of hardstanding, paths, low remaining walls and smaller scale structures remain in-situ. These are widely spread across the open site at different land levels and remain visible from public vantage points within the vicinity. The existing gate is unlawful by virtue of its height. The application site was previously very overgrown, full of trees and had been this way for an extensive period of time prior to application. However, notwithstanding the removal of vegetation and trees it is considered that the pre-existing and current site has a different character to that of the adjacent fields, whose extent and boundary to the north in the wider landscape is marked by the boundary trees. As such, given this, it is not considered that the site has blended into the landscape, when considered in the wider sense. It is therefore considered that notwithstanding the previous clearance works to overgrown vegetation and tree removal, the remnants on site are sufficient to meet the definition of previously developed land, which was the approach taken in the previously refused application.

7.2.11 On the basis of the above, it then must be considered whether the two proposed dwellings and associated development would result in substantial harm to the openness of the Green Belt in context of paragraph 154 (g) of the NPPF. The term "substantial harm" is not defined. Planning Policy Guidance with respect to considering the potential impact of development on the openness of the Green Belt includes both spatial and visual aspects, the visual impact including volume, any improved state of openness and the degree of activity likely to be generated.

7.2.12 In this case, given the proposed revised design (including reduction to a 5.5m wide access and associated soft landscaping enhancement including tree planting) and with the dwellings integrated into the landscape would limit views of the development from Long Lane, such that it would not be readily visible from the public realm. It is considered that visually the impact of the current proposal would be an improvement compared to the

previous application, with particular regard to the proposed changes to the front of the site noted. Further, the previously proposed alterations to the frontage were considered as an urbanising change. The proposed reduction in the width of the proposed access, removal of garages and gates including reduction in hardstanding and re-introduction of previously removed soft landscaping would re-establish more of a rural feel, thus reducing the impact on the openness of the Green Belt. In the context of the site and surroundings, the proposed dwellings by virtue of their set back from the road, coupled with screening would not be readily visible, although views from the road would still be possible.

- 7.2.13 With regards to the visual impact, whilst it is considered that there would be an impact through the access and associated hardstanding, which would enable views of the development, however, this would be at a distance. The proposed gates and areas of parking would be relatively well screened and set back, such that the visual impact would be reduced with the dwellings appearing single storey in form and would largely be contained from any other views given the presence of existing trees and new landscape enhancements on-site. A Landscape Management Plan would be secured through a condition to ensure that the existing trees would remain, which would also limit and reduce the impact from the spread of domestic paraphernalia. Likewise, given the limited hardstanding, that the proposed dwellings would be built into the landscape, with the extent of soft landscaping including green roofs; limiting visual harm to the openness of the Green Belt. Furthermore, the location of the application site is set within a dip in the landscape and trees enclosing the site restricts, to some degree, the presence of the development and the visual impact on the openness of the Green Belt. Whilst there would be some visual impacts on the Green Belt, however, this would be considered limited and localised.
- 7.2.14 With regard to the spatial impact on the openness, the development, would spread built form across the site. Whilst acknowledging that existing hardsurfacing and structures exist, they are at a very low level, primarily at surface level and within only certain areas, not across the whole site, therefore their presence is not that perceivable from outside the site. The current scheme, compared to the previous scheme, particularly with the removal of urbanising features across the application site would limit the impact on the openness of the site. Whilst the dwellings, and associated works would combine to erode the sense of openness currently sensed and viewed on site, it is considered that the proposed development would not result in substantial harm to the openness of the Green Belt.
- 7.2.15 The introduction of two 5 bed dwellings and the associated activity arising from their use would result in movements and activity which is absent from the site at present. Consequently, the two new 5-bedroom dwellings would result in an increase in activity given the existing circumstances, however, such movements would not be significant.
- 7.2.16 It is therefore considered that given the revised proposal that collectively whilst harm to the openness of the Green Belt would still arise, the level of harm to the openness of the Green Belt would not be substantial. As a result, the proposed development would comply within the scope of paragraph 154 (g) of the NPPF and thus would constitute appropriate development in the Green Belt.
- 7.2.17 As such, paragraph 155 of the NPPF (2024) does not apply, however, if a view is reached that the site does not comply with paragraph 154, it would be necessary to consider paragraph 155. Having regard to the characteristics of the site, it is considered that the site can be defined as 'grey belt' and the development site would not fundamentally undermine the purposes of remaining Green Belt land. However, the location would not be considered as a sustainable location and thus, would fail to comply with Paragraph 155 of the NPPF 2024.
- 7.2.18 To conclude, the development would not result in substantial harm to the openness of the Green Belt and would therefore comply with the exception as set out within Paragraph 154 (g) of the NPPF (2024). The proposed development would therefore comply with Policy

CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

7.3 Impact on the character and appearance of the streetscene and landscape

- 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 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.
- 7.3.3 As the site is located partially within the Heronsgate Conservation Area, Policy DM3 of the Development Management Policies document is also applicable. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area; uses building materials and finishes that are appropriate to the area; and results, where relevant, in the removal of unsympathetic features and the restoration or reinstatement of missing features. Given the location of the proposal, the Council encourages that the proposed character and appearance of the dwellings would have regard to the Heronsgate Conservation Area Appraisal.
- 7.3.4 The Design Criteria at Appendix 2 of the Development Management Policies LDD state that in order to prevent a terracing effect and maintain appropriate spacing between properties in character with the locality, development at first floor level should be set in a minimum of 1.2 metres from flank boundaries, although this distance must be increased in low density areas.
- 7.3.5 The local area of Heronsgate comprises largely of detached houses on large plots with purposefully low density. Paragraph 5.8 of the Heronsgate Conservation Area Appraisal provides guidance on all forms of new development including ensuring that new development preserves and reinforces the distinctive pattern of historical development including retaining open spaces, maintains key views, reinforces the distinctive architectural character of the Conservation Area, reinforces the scale and massing of surrounding buildings and reinforces existing building lines and orientation of existing development. The presiding character of the immediate area is rural in nature, particularly as the site is surrounded by fields. Given that it does not have any immediately adjacent neighbours, the proposal would not result in a terracing effect and is indicated to be set in from the flank boundaries. It is noted that the immediate areas to the boundaries of the site would be free from built form.
- 7.3.6 In respect of the proposed alterations to the front of the site, one of the characteristics of the area and adjacent conservation area is its verdant nature along a narrow rural lane, which is heavily tree-lined. The existing accesses are limited in nature and some have mirrors with assist in terms of visibility. It is considered that the proposed access, front boundary soft landscaping treatment with access gates, which would be well set back at right angles to the highway would not appear urbanising and be considered in keeping and

not out of character with that of other existing accesses along Long Lane. The resultant impact from improving the existing access visibility splays and ensuring replacement tree planting would preserve the character of this part of - the conservation area on Long Lane.

- 7.3.7 This proposal is considered to be significantly different from the previously proposed application, with the garages, gabion walls and gates adjacent to the front boundary removed, hardstanding limited, access width maintained and soft landscaping enhanced including tree planting.
- 7.3.8 The Conservation Officer notes that the existing site makes a positive contribution to the Conservation Area as part of its rural edge. It is also noted that the current proposal would be less harmful than the previously proposed refused scheme.
- 7.3.9 The site is previously developed and is considered at odds with the prevailing character of the area on this side of the road, which is open fields. Residential development is also evident on Long Lane, including accesses, driveways and fencing. Therefore, the proposed frontage would not in itself be out of character with the vicinity, streetscene or conservation area. The proposed frontage changes are considered sympathetic, supplemented by mitigation of soft landscaping, which ensures that the character of the conservation area would be preserved and is considered to overcome the previous reason for refusal.
- 7.3.10 The size of the plots and residential curtilage of each dwelling are considered in keeping with the character of the vicinity and would preserve the distinctive low density spacious character of the area. No objection is raised in relation to the siting of the dwellings in terms of their impact on the streetscene, incorporated into the slope of the site, set back approximately 30m from the highway. The proposed design and low-key appearance on the site is noted due to the limited upper bulk and massing being set into the slope of the site. The proposed mass of the built form would therefore be partially submerged, appearing single storey in nature. It is acknowledged that many of the dwellings within Heronsgate are true two storey dwellings and as such, it is not considered that the development would be uncharacteristic in this regard. With regard to the design and appearance of the proposed dwellings, it is noted that they have a 'L' shape footprint, which is considered would break up the actual massing of the dwellings.
- 7.3.11 The appearance would have two centralised gable roof forms with flat roofs to the rear and flanks which would incorporate green roofs including solar panels. The duo pitched roof form would be appropriate in the Conservation Area which is characterised by dwellings with a traditional duo pitched roof forms, which respond to the historic character of the locality. Whilst the provision of a flat roof form would appear somewhat out of character with the area, it is noted that the dwellings would be set back and built into the topography of the application site, which would result in two dwellings of low bulk and massing, which would be considered as being sympathetic to the setting of the Conservation Area and wider surrounding landscape. The flat roofs would also be green roofs which would soften their appearance. Whilst the proposed large expanse of glazing is not a design feature sympathetic to the areas character, , on balance, the design and appearance of the proposed dwellings given their single storey nature and setback from the road, would ensure that they preserve the character and appearance of the Heronsgate Conservation Area and thus would comply with Policy DM3 of the Development Management Policies LDD.
- 7.3.12 No objection is raised with regard to the use of materials proposed. The plans indicate timber cladding for the walls, and green roof forms incorporating solar panel and rooflights. It is noted that a gravel aggregate would be used for permeable surfaces throughout the site. These are considered to be reflective of the site heritage and adjacent conservation area. The timber detailing is also considered to be traditional in style, thus again responding to the character of the adjacent conservation area. It is, however, considered appropriate

to control permitted development rights at the site and the impact of any external lighting to ensure that any unacceptable impacts are avoided.

- 7.3.13 In summary, it is considered that the development would preserve the character and appearance of the vicinity of the application site, Heronsgate Conservation Area and its wider setting. The proposal would therefore be in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the of the Development Management Policies LDD and the Heronsgate Conservation Area Appraisal.

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'. Appendix 2 of the Development Management Policies LDD states that 'oversized, unattractive, and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the streetscene'
- 7.4.2 Given the significant separation distances from the neighbouring plots to the application site; it is not considered that the introduction of residential built in the form of two dwellings would result in an overbearing form of development or have a detrimental impact on both the visual and residential amenities of neighbouring dwellings. It is not considered that the proposal would result in an overbearing form of development or harmful loss of light to the residential amenities of the occupiers of any neighbouring dwelling.
- 7.4.3 The proposed dwellings would be sited adjacent to one another and would introduce fenestrations at ground floor level. It is not considered that the proposed dwellings would result in any unacceptable loss of light or overbearing impact on one another. The 3m separation distance between the dwellings, together with the proposed boundary hedging separating the amenity spaces, would ensure that no impact would occur to either dwelling. It is also not considered that the proposal would result in any unacceptable overlooking of neighbouring properties.
- 7.4.4 Given the site circumstances, it is considered reasonable to have a Construction Management Plan (CMP) to mitigate impacts on neighbours and highway users during construction including mitigation of noise from the construction. This would be subject to a condition.
- 7.4.5 In summary, it is not considered that the proposed dwellings, subject to conditions would result in adverse harm to residential amenity. The development is acceptable in this regard in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.5 Amenity Space

- 7.5.1 Appendix 2 of the Development Management Policies LDD sets out the requirements of for amenity space, advising that a five-bedroom dwelling should have 126 square metres of amenity space. It is noted that the site benefits from a large amenity space significantly exceeding 126 square metres of each dwelling. As such, no objections are raised in this regard.

7.6 Highways, Parking and Access

- 7.6.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access. Policy DM13 and Appendix 5 of the Development Management Policies LDD requires a dwelling with four more bedrooms to have three off-street car parking spaces.

- 7.6.2 Paragraph 115 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 7.6.3 There are no alterations proposed the existing vehicular access to the dwellings, apart from creating enhanced visibility splays. Hertfordshire Highways had no objection in regards to the proposed access, subject to a condition to ensure suitable visibility splays.
- 7.6.4 With regard to car parking, the plan indicates that each dwelling would be able to accommodate three vehicles, in accordance with the provisions of Appendix 5. In addition, the gravel surface would be a porous material and thus there would be appropriate provision for onsite drainage.
- 7.6.5 It is also considered that a Construction Management Plan would be subject to a condition to ensure the management of existing spoil on site and mitigate the impact of construction traffic on the Highway Network.
- 7.7 Trees & Landscape
- 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. It is noted that as the site is located within the Heronsgate Conservation, that all trees are afforded protection.
- 7.7.2 The trees along the highway verge would be protected by virtue of falling within the Heronsgate Conservation Area. The submitted Arboricultural Impact Assessment, however, does specify that a large number of trees, approximately 15 would be removed adjacent to Long Lane, some associated with the creation of the visibility splays. The trees which are proposed for removal have been surveyed and due to their poor condition are considered acceptable to be removed. The Landscape Officer has raised no objection on the proposed tree removal, subject to a condition, requiring the development to be in accordance with the submitted tree protection plan and method statement.
- 7.7.3 Whilst the initial removal of the trees could make the development more visible given that the trees being removed would be of a poor quality with a life expectancy of less than 10 years and that there is a significant volume of mature trees that are proposed, approximately 44, to be planted to a significant height of between 3-6m, having regards to the planting schedule. Furthermore, areas of hedging, shrubs and perennials including wildflower meadow and green roofs, would enhance the existing soft landscaping and its overall longevity. On any grant of planning permission, a condition would be recommended to be in accordance with the submitted planting plan and schedule to ensure soft landscaping is reinstated in the form of a Landscape Management Plan to ensure that the proposed landscaping is planted and so maintained.
- 7.7.4 In summary, it is not considered that the proposed development would result in harm to any significant trees subject to conditions and no objections are raised in this regard. The development is acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.8 Biodiversity and BNG

- 7.8.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.8.2 The current application has been accompanied by an Ecological Appraisal and Herts Ecology. The response from Herts Ecology raising no objection apart from recommending conditions in respect of badgers, reptiles, given the lack of reptile records in the area, and a District Level Licence for Great Crested Newts.
- 7.8.3 Subject to these above conditions, the ecological survey provides a reasonable assessment of the ecological conditions on site including the impact of the proposal on bats, badgers, birds, amphibians including habitats and vegetation/plant species. The likelihood of an adverse impact on species is negligible, given the lack of evidence of protected species being found. However, recommendations for enhancement and mitigation measures have been recommended, which would be considered to form part of a condition on any approval and are as noted by Herts Ecology.
- 7.8.4 It is also noted that vegetation would be removed during the course of the proposed development. Consequently, in the event, that a development was considered to be acceptable, a condition could be recommended advising that tree/shrub works should be undertaken outside of the bird nesting season.
- 7.8.5 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions.
- 7.8.6 In this case the biodiversity net gain condition does not apply as the applicant has confirmed that the development would comply with the self-build and custom build exemption, detailed with the submitted application form and Supporting Statement, with would be subject to a S106 agreement.

7.9 Energy Use

- 7.9.1 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.9.2 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.
- 7.9.3 In this case, an Energy and Sustainability Statement has been submitted which indicates that the proposed dwellings would achieve a 10% uplift over Part L (2013). This would be achieved through the such the provision of photovoltaics air source heat pumps. This would

be subject to a condition for any approval so that energy saving and the measures by which this will be achieved will be implemented.

7.10 Affordable Housing

7.10.1 **Appendix A** of this report sets out the position of the Council and evidence relating to the Application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.

7.10.2 As there is a net gain of two units the proposed development would be liable for a commuted sum payment towards affordable housing in line with Policy CP4 and the Affordable Housing Supplementary Planning Document (SPD). This site lies within Highest Value Three Rivers market area where the figure is £1250 per square metre.

7.10.3 Two 5-bedroom two storey dwellings at over 500sqm of habitable floorspace per dwelling (1,044 sqm) would require an affordable housing contribution of £1,305,000 (excluding indexation) to be policy compliant. This approach is fully in accordance with Policy CP4 and the SPD.

7.10.4 The application was, however, accompanied by a Viability Statement which set out that an affordable housing contribution would not be viable. This was assessed by the Council's Independent Consultant, who concluded that the scheme is not able to support the full affordable housing payment and remain viable. However, the independent review determined that an £87,747 contribution for affordable housing would be viable. The differences between the viability reports appear to be in the external cost, total fees, contingencies and profit level. This fee has been agreed by the applicant.

7.10.5 A deed would need to be entered into in accordance with Section 106 of Town and Country Planning Act 1990. The applicant would need to provide a Unilateral Undertaking for the agreed viability fee. In the absence of a Section 106 Agreement to secure a commuted sum payment in lieu of on-site affordable housing provision, the proposed development would not contribute to the provision of affordable housing. However, the applicant is aware that they need to provide a Unilateral Undertaking for the agreed revised contribution, subject to the outcome of the application at planning committee.

7.10.6 Any grant of planning permission would be subject to the completion of a Section 106 Agreement. The Section 106 Agreement would include Heads of Terms securing the provision of an agreed affordable housing off-site contribution and indexation from the date of the deed.

7.11 Land Contamination

7.11.1 Policy DM9 of the Development Management Policies LLD states that the Council will only grant planning permission for development, on, or near to, on land suspected to be contaminated, where the Council is satisfied that:

- There will no threat to the health of future users or occupiers of the site or neighbouring land; and
- There will be no adverse impact on the quality of local groundwater or surface water quality

7.11.2 Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution health, living conditions and the natural environment.

7.11.3 The application was supported by a Phase 1 site investigation report including Geo-Environmental Desk Study to identify possible constraints to the development relating to the ground conditions.

7.11.4 Environment Protection have been consulted and have commented that the historic use of the site could result in potential contamination. Based on this, further investigation would be required. Therefore, a contaminated land condition prior to the commencement of development would be recommended on any approved application.

7.12 Location & Sustainability

7.12.1 For the purposes of paragraph 84 of the NPPF, it is not considered that the development is isolated on the basis that it is located close to other residential properties, however, for reasons expressed above, it is considered that its location would be unsustainable.

7.12.2 In this instance, there are no public footpaths or street lighting within the vicinity and as such the walking distances to public transport and community facilities are not apparent in the context of the site. Further there is limited public transport within the proximity of the location nor any shops. Given the lack of pedestrian footpath and distance to shops, it is highly unlikely that future occupiers would use such services. As such, any future occupiers would be solely reliant on motor vehicles for modes of travel, which would fail to comply with the social and environmental objective of achieving sustainable development as set out within the NPPF. In addition, the accessibility of the site would be contrary to the aims of Section 9 (Promoting sustainable transport) of the NPPF (2024) and it is further noted that Hertfordshire Highways have raised an objection to the proposal on similar grounds of sustainable travel.

7.12.3 Whilst it is acknowledged that the application site is located within a semi-rural area, it is not considered that the development would enhance or maintain the vitality of the community on the basis that the immediate area lacks amenities and services. In respect of paragraph 84 of the NPPF it is not considered that the site is isolated. Therefore, taking the above into account, it is considered that the location of the application site is unacceptable and would fail to comply with Policy CP2 and the NPPF (2024), which weighs against the development.

7.13 Planning Balance and Tilted Balance

7.13.1 The LPA has a current 1.2 years' worth of housing supply, and therefore paragraph 11 of the NPPF (2024) is required to be considered. Paragraph 11 and footnote 8 clarifies that in the context of decision-taking "the policies which are most important for determining the application are out-of-date when the LPA cannot demonstrate a five year supply of deliverable housing sites". The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). Paragraph 11 continues, "Plans and decisions should apply a presumption in favour of sustainable development...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

d) i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

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

- 7.13.2 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental. The development would make a contribution towards making up the shortfall in housing in the district is given significant weight. The affordable housing contribution would also help contribute to a demonstrable need and is also given significant weight. Whilst there is a pressing need for housing, the same can be said for affordable housing, hence the requirement for affordable housing contributions for small sites. The policy context thereby provides the ability for small housing sites to positively contribute towards affordable housing and in this instance, there would be a significant financial contribution required. Given the present local circumstances relating to the acute need for affordable housing, this should attract significant weight.
- 7.13.3 Further, given that the site is previously developed land, the NPPF makes it clear that the use of previously developed land should be encouraged where suitable opportunities exist and would be therefore considered as an effective use of the land. The future occupiers can assist in supporting local settlements by using nearby amenities and there would also be the short term benefits of the construction of the dwellings are noted.
- 7.13.4 The environmental benefits of the proposal are also noted, to reduce carbon emissions, improve energy efficiency and enhance environmental sustainability such as through a green roof system to promote biodiversity, triple glazed units to limit heat transfer, solar panels to provide 80-90% of on-site electricity requirements and are also given weight in favour.
- 7.13.5 Notwithstanding, the proposed development has been assessed to result in an adverse impact, specifically in respect of its unsustainable location and the reliance on the use of private vehicles by future occupants. Given the scale of the development, this attracts moderate weight against the development.
- 7.13.6 In the planning balance, the LPA therefore consider that whilst the adverse impact relating to its unsustainable location has been identified, it does not significantly and demonstrably outweigh the benefits of the proposal. On this basis, having regard to paragraph 11 of the NPPF planning permission should be approved.

8 Recommendation

- 8.1 That subject to the completion of a Section 106 Agreement securing an off-site affordable housing contribution, two self-build dwellings and associated monitoring fee(s), that the application be delegated to the Head of Regulatory Services to **GRANT PLANNING PERMISSION** 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: 2407-PL-L&B, 2407-PROP SITE, 2407-CIL, 2407-PL-101A, 2407-PL-101B, 2407-PL-102A, 2407-PL-102B, 2407-PL-103, 2407-PL-103A, 2407-PL-104, 2407-PL-105, 2407-PL-106, 2407-PL-107, 2407-PL-ROOF, 2407-PL-SITE SG, 2407-PL-SITE-G 005 REV 01, 006 REV 1.

Reason: For the avoidance of doubt, to protect the character of the area and amenities of neighbouring properties and in the proper interests of planning in accordance with Policies CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, DM4, DM6, DM7, DM8, DM9, DM10 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), the Heronsgate Conservation Area Appraisal (2012) and the NPPF (2024).

- C3 Prior to the commencement of development approved by this planning permission:
- i) A Phase 2 Contamination Assessment shall be submitted to and approved in writing by the Local Planning Authority as detailed in section 3.5 of the Geo – Environmental Desk Study submitted (BRD4586-R1-B) dated April 2025.
 - ii) Following the site investigation results and a detailed risk assessment, an options appraisal and remediation strategy giving full details of the remediation measures shall be submitted to and approved in writing by the Local Planning Authority along with details of how they are to be undertaken.
 - iii) A verification plan shall be submitted to and approved in writing by the Local Planning Authority providing details of the data that will be collected in order to demonstrate that the works set out in (i) and (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.
- Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).
- C4 Before any works commence a survey to check for the presence of badger setts is required to be completed and submitted to the Local Planning Authority. Should any be recorded a mitigation plan will need to be submitted to the Local Planning Authority for approval and implemented thereafter in accordance with the approved details.
- Reason: This is a condition in the interests of safeguarding badgers from harm during construction to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).
- C5 Before any works commence a precautionary method statement for reptiles shall be prepared and submitted to the Local Planning Authority for approval and implemented thereafter in accordance with the approved details.
- Reason: This is a condition in the interests of safeguarding reptiles from harm during construction to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).
- C6 Before any works commence a District Level Licence for Great Crested Newt shall be obtained from Natural England and submitted to the Local Planning Authority.
- Reason. To mitigate for loss of suitable habitat for Great Crested Newts to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).
- C7 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. Phasing Plan.
- ii. Parking of vehicles of site operatives and visitors
- iii. Construction of access arrangements including the routing of vehicles
- iv. Loading and unloading of plant and materials
- v. Storage of plant and materials used in constructing the development
- vi. Siting and details of wheel washing facilities
- vii. Cleaning of site entrances, site tracks and the adjacent public highway
- viii. Removal of existing spoil/hardcore resulting from the development

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

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

- C8 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the buildings being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C9 Prior to the first occupation of the development hereby permitted, a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority.

The landscape management plan shall incorporate all soft landscaping works including sedum/green roofs required by the approved scheme, which shall be carried out in accordance with submitted plan No. 005 Rev 01 (Planting Plan) & 006 Rev 01 (Planting Schedule) before the end of the first planting and seeding season following first occupation of any part of the dwellings or completion of the development, whichever is sooner. If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

The landscape management plan and soft landscaping works shall be carried out as approved.

Reason: This condition is required to ensure existing and approved landscaping is satisfactorily maintained and the completed scheme has a satisfactory visual impact on the character and appearance of the area 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).

- C10 Prior to the first occupation of the development hereby permitted a hard landscaping scheme, which shall include a specification of all hard landscaping including locations, materials and method of drainage shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C11 Prior to any works to construct the dwellings including hereby permitted including any excavation, the vehicular access and visibility splay shall be completed and thereafter retained as shown on drawing number 2407-PROP SITE in accordance with details/specifications submitted and approved in writing by the Local Planning Authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: In the interests of highway safety in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C12 Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 47 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C13 The parking and turning space shall be constructed in accordance with the approved plan No. 2407-PROP SITE prior to the first occupation of any part of the development hereby permitted. The parking and turning space shall thereafter be kept permanently available for the use of residents and visitors to the site.

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

- C14 The development hereby permitted shall not be first occupied until the bin stores have been implemented in accordance with Drawing No. 2407-PROP SITE and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM10 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C15 Prior to the first occupation of each new dwelling hereby approved a scaled plan indicating the positions, design, materials and type of all boundary treatment to be erected to that dwelling, including fencing and gates shall be submitted to and approved by the Local Planning Authority. The boundary treatment shall be erected in accordance with the approved details prior to first occupation of the dwellings.

Reason: To safeguard the character of the locality in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C16 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

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

- C17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

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

- C18 The development shall be undertaken in full compliance with the construction methods detailed in the Arboricultural Impact Assessment and Method Statement prepared by AAA dated 19th December 2025, including the Tree Protection Plan (Appendix 8).

No operations shall commence on site in connection with the development hereby approved (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) until the tree protection works required by the approved scheme are in place on site.

The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the local planning authority has first been sought and obtained.

Reason: To ensure that the protected trees are not affected during construction of the development hereby permitted, in the interests of visual amenity and 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).

- C19 No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity, biodiversity and the openness of the Green Belt and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM3, DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C20 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 F - any hard surface

Part 2

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

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

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and in the interests of the visual amenities of the site and the surrounding Conservation Area, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C21 Prior to the first occupation of each dwelling hereby permitted, the measures detailed within the submitted Energy and Sustainability Assessment shall be incorporated into that dwelling.

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

- C22 The flat roofs of the dwellings hereby permitted, shall not at any times be used for amenity purposes other than for maintenance purposes.

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

- C23 Should they be required, detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

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

8.2 Informatives

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

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

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

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

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

(a) Making a Non-Material Amendment

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

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

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

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

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The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of

equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The 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.
- 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.

Self and Custom Build Development, meaning development which:

- a) consists of no more than 9 dwellings;
- b) is carried out on a site which has an area no larger than 0.5 hectares; and
- c) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

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 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.
- 16 In order to protect breeding birds, their nests, eggs and young, demolition activities should only be carried out during the period October to February. If this is not possible then a pre-development (same-day) search of the area should be made by a suitably experienced ecologist. If active nests are found, then clearance work must be delayed until the juvenile birds have left the nest and are fully independent or professional ecological advice taken on how best to proceed.
- 17 With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 & 169 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/help/home-improvements/how-to-connect-to-asewer/sewer-connection-design>
- Public sewers are crossing or close to your development. Build over agreements are required for any building works within 3 metres of a public sewer and, or within 1 metre of a public lateral drain. This is to prevent damage to the sewer network and ensures we have suitable and safe access to carry out maintenance and repairs. Please refer to our guide on working near or diverting our pipes: <https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes> Please ensure to apply to determine if a build over agreement will be granted.

Appendix 1

Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing

Background

- 1.1 In November 2014, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) setting out changes to national planning policy. The WMS stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and which have a maximum combined gross floor area of 1,000sqm. National Planning Practice Guidance (NPPG) was amended to reflect this. However, on 31st July 2015 the High Court held (*West Berkshire Council v SSCLG* [2015]) that the policy expressed through the WMS was unlawful and the NPPG was changed to reflect this. On 11th May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19th May 2016.
- 1.2 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1st September 2017 the Council gave greater weight to the WMS policy and associated NPPG guidance in it than to adopted Policy CP4 of its Core Strategy in respect of development proposals for 10 dwellings or less and which had a maximum combined gross floor area of 1000 sq metres. However, having undertaken an analysis of up-to-date evidence of housing needs (**The Needs Analysis**), officers advised in 2017 that when considering the weight to be given to the WMS in the context of breaches of the adopted development plan policy, the local evidence of housing need contained in the Needs Analysis should generally be given greater weight. On 1st September 2017 the Council resolved to have regard to the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.
- 1.3 On 24th July 2018 a new version of the National Planning Policy Framework¹ (the Framework) was published with immediate effect for development management purposes. Paragraph 65 of the Framework advises that *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).”* Annex 2 of the NPPF defines *“major development”* as *“for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.”*
- 1.4 The Council's current affordable housing policy is set out in Policy CP4 of the Core Strategy (adopted in October 2011) and establishes that:
 - a) “...All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.”
 - e) “In most cases require affordable housing provision to be made on site, but in relation to small sites delivering between one and nine dwellings, consider the use of commuted payments towards provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability.”

¹ The National Planning Policy Framework was updated in February 2019, July 2021, December 2023 and December 2024 and retains the policies as stated in Paragraph 1.3 of this document.

- 1.5 The supporting text to Policy CP4 summarises the justification for it:
- Average house prices in Three Rivers are some of the highest in the country outside of London. As a result, many local people have difficulty accessing housing on the open market.
 - A Housing Needs Study estimated that 429 affordable dwellings would be needed each year to satisfy need. Such provision would exceed the total number of all housing types provided in the District in any year.
 - The 2010 Strategic Market Housing Assessment (SMHA) found that the requirement for affordable housing in and around the Three Rivers area remains exceptionally high.
 - In order to completely satisfy affordable housing requirements, **all** future housing in the district to 2021 would need to be affordable.
- 1.6 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Paragraph 65 of the NPPF is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Conservation and Head of Regulatory Services on the weight that they recommend should be given to NPPF Paragraph 65 for these purposes in light of the Needs Analysis.
- 1.7 Since the adoption of its Core Strategy in 2011 and as of 31 December 2024, Three Rivers has received small site affordable housing contributions amounting to over **£3.9 million**. £2.9 million of those monies has funded the delivery of **55 units** of additional affordable housing to date and a new development scheme which will deliver a further **8 units** utilising the current balance is currently being progressed. The Council is also presently working with local Registered Providers to enable the delivery of a further **12 additional affordable housing units** by way of loans/grants in return for 100% nomination rights. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district and continues to be an important development tool for meeting a pressing need
- 1.8 In addition to the £3.9 million already received, small scale (1-9 unit) schemes have secured to date a further **£1.5million (plus indexation)²** of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council will continue to utilise these monies, as they are received, to deliver further affordable housing in Three Rivers.
- 1.9 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 129 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between 1 October 2011 and 31 March 2024, 288 planning permissions were granted for minor residential

² The sums payable secured by Sec 106 will be subject to indexation, in most cases from June 2011 which will not be calculable until the date of payment. The quoted upper limit includes projected contributions in respect of two alternative planning permissions and an outline PP with all matters reserved. Data is as of May 2025.

developments which contribute a net dwelling gain. Of those only 19 have been permitted to lapse which is only 6.6% of all such schemes³.

- 1.10 Current evidence of housing need in the District is noted below at paragraphs 2.4 to 2.16. It confirms that the needs underlying the adopted development plan policy remain pressing.

Importance of Small Sites to Three Rivers

- 1.11 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: from 1 April 2017 to 31 March 2024, 327 planning applications for residential development involving a net gain of dwellings were determined⁴ by the Council. Of these, 292 applications (89%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable housing supply are therefore both material to the overall identified needs and adopted development plan objectives. This is dealt with in more detail below.
- 1.12 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

2 Development Plan Policies and the WMS

- 2.1 The content of the Framework is a material consideration in any planning decision, and one which the decision-making authority must weigh against the development plan as the starting point under section 38(6) of the 2004 Planning and Compulsory Purchase Act. The correct approach is to:
- Consider the starting point under the development plan policies
 - Have regard to the Framework and its objectives if those development plan policies would be breached – it is officers' view that the Framework should be given considerable weight as a statement of national policy post-dating the Core Strategy
 - Consider up to date evidence on housing needs
 - Consider whether the Framework should outweigh the weight to be given to the local evidence of affordable housing need and the breach of the adopted development plan policy.
- 2.2 This approach reflects the Court of Appeal's judgment in West Berkshire, which held that whilst the government, whether central or local, could state policy "rules" absolutely, decision makers must consider them without treating them as absolute: their discretion to weigh material considerations in the balance and do something different cannot be fettered by policy:

³ The Needs Analyses (December 2019 and December 2020) referred to a lapse rate of 9% for minor developments; manual analysis has since demonstrated that a number of sites included in the 9% lapse figure have been subject to subsequent planning applications which were granted approval. Such sites have therefore still come forward for development despite earlier permissions lapsing. The lapse percentage in this Needs Analysis (May 2025) has therefore been revised to exclude application sites which are subject to later approvals which are either outstanding, under construction or complete.

⁴ Includes refused and approved applications. Excludes prior approval developments.

“the exercise of public discretionary power requires the decision maker to bring his mind to bear on every case; they cannot blindly follow a pre-existing policy without considering anything said to persuade him that the case in hand is an exception”.

- 2.3 At paragraph 26 of the judgment, the court cited statements made to the High Court on behalf of the Secretary of State, describing those as being “no more than a conventional description of the law’s treatment of the Secretary of State’s policy in the decision making process”:

“As a matter of law the new national policy is only one of the matters which has to be considered under sec 70(2) and sec 38(6) when determining planning applications... in the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the threshold stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy”.

As confirmed by the Court of Appeal decision in the West Berkshire case, whilst the WMS, and now the Framework, is clear with regard to the Government’s intentions on planning obligations in relation to small sites, the weight to attach to a development plan policy is a matter of discretion for the decision taker. Policies should not be applied rigidly or exclusively when material considerations may indicate an exception may be necessary.

In determining an appeal in Elmbridge, Surrey in August 2016 (appeal reference: APP/K3605/W/16/3146699) the Inspector found that *“whilst the WMS carries considerable weight, I do not consider it outweighs the development plan in this instance given the acute and substantial need for affordable housing in the Borough and the importance of delivering through small sites towards this.”* The existence of evidence of housing need is important in this context. That general principle has not been changed by the Revised NPPF.

- 2.4 Officers advise that whilst the Framework is a material consideration, breaches of Policy CP4 should not, in light of ongoing evidence of housing need in the Needs Analysis, be treated as outweighed by the Framework. This conclusion has been reached having had regard to the following relevant factors:

- **General House Price Affordability in Three Rivers**
- **Affordable Housing Supply Requirements in Three Rivers**
- **Affordable Housing Provision in Three Rivers**
- **Extent of residential development schemes proposed which are for sites delivering net gain of less than 10 dwellings**
- **The contribution towards the provision of affordable housing Policy CP4(e) has historically made in respect of small sites**
- **Relevant Appeal Decisions**
- **The fact that the adopted development plan policy does not impose burdens where they would render schemes unviable.**

General House Price Affordability in Three Rivers

- 2.5 Due to the District’s close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016⁵, the lowest quartile house price in Three Rivers in 2016,

⁵ ONS (2025) Dataset: House price to residence-based earnings ratio Table 6a

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowestquartileandmedian>

representing the cheapest properties in the District was £325,000.00, making it the **fifth**⁶ most expensive local authority area in England and Wales (excluding London), as seen in table 1 below.

Number	Local Authority Name	Lowest Quartile House Prices (2016)
1	Elmbridge	£375,000.00
2	St Albans	£355,000.00
3	Windsor and Maidenhead	£340,000.00
4	Hertsmere	£330,000.00
5	Three Rivers	£325,000.00

Table 1.

- 2.6 Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics (ONS), the lowest quartile house price in Three Rivers in September 2024 was £404,500⁷. The lowest quartile house price of £404,500 places Three Rivers as the **third** most expensive local authority area in England and Wales (excluding London), out of a total of 285 local authority areas (excluding London) as seen in table 2 below. Three Rivers' position has worsened and the lowest quartile house price has risen by £79,500 from 2016 to 2024, demonstrating an ongoing worsening affordability position.

Number	Local Authority Name	Lowest Quartile house Prices (2024)
1	Elmbridge	£445,000.00
2	St Albans	£440,000.00
3	Three Rivers	£404,500.00
4	Epping Forest	£390,000.00
5	Hertsmere	£387,500.00
6	Epsom and Ewell	£385,000.00
7	Windsor and Maidenhead	£385,000.00

Table 2.

- 2.7 Lowest quartile earnings in Three Rivers in 2016 were £24,518.00. In 2024, this figure was £33,056.00⁸, 12.24 times below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings⁹). In a mortgage market where lenders are traditionally willing to lend 3-4 times a person's income, clearly a lending requirement of 12+ times such an income means that most first time buyers are simply unable

⁶ Note that prior to the formation of the Buckinghamshire Council (now a unitary authority), Three Rivers was the seventh most expensive local authority area as two local authorities in Buckinghamshire ranked higher in lower quartile house price than Three Rivers in 2016 (South Bucks - £370,000.00; Chiltern - £335,000.00).

⁷ Office for National Statistics (2025) *Dataset: House price to residence-based earnings ratio Table 6a*
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

⁸ Office for National Statistics (2025) *Dataset: House price to residence-based earnings ratio Table 6b*
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

⁹ Office for National Statistics (2025) *Dataset: House price to residence-based earnings ratio Table 6c*
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

to purchase a dwelling in the District. Such a lending ratio would have required a first-time buyer in 2024 to have a deposit of £272k - £305k or (with a 5% deposit of £20,000) to earn £96,000.00- £128,000.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional Stamp Duty payment would also be payable.

- 2.8 In 2024, the median quartile house affordability ratio in Three Rivers was 11.57¹⁰ (see Table 3). Three Rivers has the eighth worst affordability ratio in England and Wales (excluding London) out of a total of 285 local authority areas (excluding London). Whilst this has improved from the 2016 figure of 13.77, Three Rivers' 5-year average is a ratio of 13.24, this being the fourth worst 5-year average affordability ratio in England and Wales (excluding London).

Number	Local Authority Name	Median quartile house price affordability ratio (2024)
1	Elmbridge	12.94
2	Epsom and Ewell	12.32
3	Hertsmere	12.24
4	Mole Valley	12.08
5	Tandridge	12.06
6	Chichester	11.81
7	St Albans	11.60
8	Three Rivers	11.57

Table 3.

- 2.9 Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2024 the ratio for Three Rivers was 12.24¹¹, with Three Rivers having the seventh worst affordability ratio in England and Wales (excluding London). Three Rivers' 5-year average is a ratio of 13.57, this being the fifth worst 5-year average affordability ratio in England and Wales (excluding London).

Affordable Housing Requirements in Three Rivers

- 2.10 The Local Housing Needs Assessment (LNHA) (March 2024) is the most recent update to the South-West Hertfordshire Strategic Housing Market Assessment January 2016 (SHMA) and estimates the need for affordable housing across the South-West Herts authorities. The LNHA splits its analysis between affordable housing to rent and affordable housing to buy.

Affordable Housing Need - To Rent

- 2.11 The South-West Hertfordshire Local Housing Needs Assessment (LHNA) (March 2024) found there were approximately 1,614 households within Three Rivers that were in need of

¹⁰ Office for National Statistics (2025) *Dataset: House price to residence-based earnings ratio Table 5c*
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

¹¹ Office for National Statistics (2025) *Dataset: House price to residence-based earnings ratio Table 6c*
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

affordable housing. This was based on a number of factors such as assessing the number of homeless households in temporary accommodation, households in overcrowded housing, concealed households and existing affordable housing tenants in need. When excluding households already in existing housing, this figure fell to 1,064 households, leaving an annualised current affordable housing need figure of approximately 53 over the 20-year period of 2021-2041.

- 2.12 In addition to needs arising from those in unsuitable housing, the LNHA also analyses affordable need to rent arising from newly-forming households within the District. The LNHA estimates 724 new households forming per annum in Three Rivers over the period 2021 to 2041. 48% of these newly-forming households are estimated to be unable to afford market housing (to rent) resulting in 350 new households with a need for affordable housing to rent each year over the period 2021 to 2041.
- 2.13 The LNHA also considers newly arising need for affordable rent from existing households (i.e. households residing in market accommodation now requiring affordable housing). The LNHA estimates an additional 48 existing households falling into need for affordable rent per year over the period 2021 to 2041.
- 2.14 Taking into account the figures of need noted above and other factors set out in the study, such as existing housing stock, **the LNHA calculates the annual affordable housing need to rent over the period 2021 to 2041 as 364 in Three Rivers** (totalling 7,280 units over a 20-year period). This need involves households who cannot afford anything in the market without subsidy and is equivalent to 44% of the District's total local housing need requirement calculated by the standard methodology. This indicates the substantial scale of need for this type of affordable housing.

Affordable Housing Need - To Buy

- 2.15 In addition to the need for rented affordable housing, the LNHA estimates a need of 163 units for affordable home ownership per annum (totalling 3,620 units over a 20-year period).

Total Affordable Housing Need

- 2.16 **Combining the need for affordable housing to rent and affordable housing to buy results in the calculation of 527 affordable units per year** (totalling 10,540 units over a 20-year period), equating to approximately 63% of Three Rivers' total local housing need requirement (as calculated by the standard method)

Affordable Housing Provision in Three Rivers

- 2.17 Core Strategy CP4 requires around 45% of all new housing in the District to be affordable. As stated previously, prior to the WMS, all new developments that had a net gain of one or more dwellings would, subject to viability, be expected to contribute towards this.
- 2.18 Since the start of the plan period from 1 April 2001 to 31st March 2024 (the latest date where the most recent completion figures are available) 5,664 gross dwellings were completed. From this, 1,226 were secured as affordable housing, a total of 21.6%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of a further 1,323 or 23.4% affordable dwellings in order to fulfil the 45% affordable housing requirement up to 31 March 2024. This shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing.

2.19 In the latest monitoring period of 2023/24 (financial year), 17 sites¹² delivered a net gain of one or more dwellings and would therefore be required to contribute to affordable housing under Policy CP4 (either through an on-site or off-site contribution). 7 of the 17 schemes contributed to affordable housing provision whilst 10 of the 17 schemes did not contribute:

- 1 of the 17 sites delivering a net gain in housing in 2023/24 was exempt from affordable housing contributions due to planning permission being granted prior to the Council's first Needs Analysis being undertaken and when the Council was dealing with applications on the basis that the WMS should be given overriding effect regardless of the viability position on specific schemes.
- A further 9 of the 10 delivered sites which did not contribute to affordable housing during the 2023/24 period was the result of viability evidence being submitted during the course of the application which sufficiently evidenced that an affordable housing contribution would render the schemes unviable. These applications were therefore approved in accordance with Policy CP4, making clear that the requirement for affordable housing contributions is subject to viability considerations
- Of the 7 completed schemes which did contribute, 5 sites made contributions by way of a commuted sum, secured through Section 106 Agreements/Unilateral Undertakings and 2 provided on-site affordable housing units.

2.20 In addition to the 17 sites referenced above, there were a further 3 sites where the overall development resulted in a net gain of one or more dwellings. These sites were granted permission through the prior approval application route, through which affordable housing provision cannot be required.

Extent of residential development schemes proposed which are for sites delivering a net gain of less than 10 dwellings

2.21 It is clear from table 4 below that small site schemes make up the overwhelming percentage of planning applications made to the Council each year for residential (net gain of dwelling(s)) development:

Financial Year	Total number of planning applications for net gain residential schemes	Number that were for small site schemes	Percentage that were for small site schemes
2017/18	67	57	85%
2018/19	50	46	92%
2019/20	60	55	92%
2020/21	38	33	87%
2021/22	39	36	92%
2022/23	34	29	89%

¹² Sites with completions in the monitoring year 2023/24

2023/24	39	36	92%

Table 4.

- 2.22 Table 5 below sets out the amount of small site schemes submitted for approval to the LPA resulting in a net gain of 1, 2 and 3 dwellings from 2017/2018 (financial year) to 2023/2024 (financial year). The table highlights that a high proportion of these small site schemes are for 1, 2 and 3 dwellings (net gain), with 1 dwelling schemes being the most common by a significant amount. It is clear that the benefits of allowing applications which propose a low number of dwellings in breach of Policy CP4 would be significantly and demonstrably outweighed by the consequential loss of the development plan policy tool provided by Policy CP4 which enables the Council to provide for the mitigation of the continued and pressing need for affordable housing in the District in a proven sustainable way in accordance with the purpose of the planning system to contribute to the achievement of sustainable development including the provision of homes (NPPF, para 7).

Year	No. of 1 dwelling schemes	No. of 2 dwelling schemes	No. of 3 dwelling schemes	Total number of applications (for net gain) determined that year	% of total applications determined (for net gain) being 1-3 dwelling schemes that year
2017/2018	35	10	3	67	72%
2018/2019	27	4	4	50	70%
2019/2020	27	8	6	60	68%
2020/2021	24	3	2	38	76%
2021/2022	24	3	2	39	74%
2022/2023	17	4	2	34	68%
2023/2024	21	6	1	39	72%

Table 5.

- 2.23 In terms of numbers of completed dwellings proposed by small site schemes, between 2011-2024 (financial years) some 498 net dwellings were completed which equates to approximately 38 net dwellings per annum and to 21.6% over the 2011-2024 period. 21.6% is a significant proportion of the overall supply. Whilst such numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on- site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been acknowledged by Planning Inspectors on appeal, as referred to at paragraph 2.21 below:

APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley: *"It also identifies the importance of small sites in providing affordable housing with contributions from small sites*

amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings.”

Contributions towards the provision of affordable housing Policy CP4(e) has made in respect of small sites

- 2.24 As set out at paragraphs 1.7 and 1.8 above, the Council has received approximately £3.9 million in commuted payments to date, with a further £1.5million secured. £2.9million of those monies have been spent enabling the delivery of 55 affordable housing units: an important contribution towards the identified affordable housing shortfall in the district. The Council is currently preparing a proposed scheme utilising the monies received which will deliver an additional 8 affordable housing units and it is also in discussions with partner Registered Providers to deliver a further 12 housing units by way of loans/grants in return for 100% nomination rights. The Council will continue to work with Registered Providers to deliver further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.
- 2.25 It is clear therefore that CP4(e) has made and will continue to make a significant contribution towards the provision of much needed affordable housing in the District in the future.

Adopted development plan policy does not impose burdens where they would render schemes unviable

- 2.26 As set out at paragraph 1.9 above, Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 129 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. The Council accepts that if, properly tested, viability cannot be established on current day costs and values then a scheme should not currently be required to provide or contribute to affordable housing delivery. Between 1 October 2011 and 31 March 2024 there were 288 planning permissions granted for minor (net gain) residential developments in the District. Of those only 19 have lapsed (6.6%)¹³. This demonstrates that the application of CP4 has not acted as a brake on small scale residential developments.

Relevant Appeal Decisions

- 2.27 There have been a number of appeal decisions since the WMS was upheld by the High Court in May 2016. As an example, the Planning Inspectorate has dismissed appeals that were submitted against the decisions made by Elmbridge Borough Council (appeal no: 3146699), Reading Borough Council (appeal ref: 315661), South Cambridgeshire District Council (appeal ref: 3142834) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729). These were for small scale housing schemes where those Councils had attached greater weight to their affordable housing policy than to the WMS as a consequence of local evidence of substantial affordable housing need. Copies of these three appeals are attached to Appendix 1. The Council considers these appeal decisions to be of continuing relevance post the new Framework.
- 2.28 The Inspectors appointed to determine these appeals stated that the WMS needed to be addressed alongside existing Local Plan policy. Within each case, the Inspectors found that there was substantial evidence of a pressing need for affordable housing within these three

¹³ See footnote 3.

local authority areas. On this basis, it was considered that local policy had significant weight and there was strong evidence to suggest that these issues would outweigh the WMS within these three cases.

- 2.29 In March 2017 the Planning Inspectorate issued a response to a letter from Richmond and Wandsworth Councils regarding the perceived inconsistency of approach by the inspectorate in relation to a further five appeal decisions made in 2016, regarding the weight that was made to the WMS. A copy of this letter is attached to Appendix 2.
- 2.30 Out of these five decisions, the Planning Inspectorate considered that three appeal decisions were reasonable, and fairly reflected the Court of Appeal's decision that although great weight should be attached to the WMS as a material circumstance; planning applications must be decided in accordance with the development plan, unless material considerations indicate otherwise.
- 2.31 However, the Planning Inspectorate considered that the decision taken on the two remaining appeals which stated that lesser weight was afforded to local policies because they were now, in part, inconsistent with national policy, was not appropriate. The seventh paragraph in the response from the Inspectorate, summarised the approach that the Inspectorate acknowledges should be taken:
- "...an Inspector to start with the development plan and any evidence presented by the LPA supporting the need for an affordable housing contribution, establish whether the proposal is in conflict with those policies if no contribution is provided for, and, if there is conflict, only then go on to address the weight to be attached to the WMS as a national policy that post-dates the development plan policies."*¹⁴
- 2.32 It is clear therefore that the Planning Inspectorate considered that although the WMS (and now the Framework) was a material consideration, this should be balanced against the policies within a plan along with any further evidence that supports a Local Planning Authority's application of the policy.
- 2.33 The Council's stance has been tested on appeal on numerous occasions and the Planning Inspectorate have repeatedly concluded in over 40 appeal decisions to date that whilst the NPPF carries considerable weight, it does not outweigh CP4 of the Councils development plan given the acute and substantial need for affordable housing in the District and the important contribution small sites make towards addressing this shortfall. Below are extracts from a few of those decisions:

- **APP/P1940/W/19/3230911, 67 & 69 St Georges Drive, Carpenders Park, Decision date 22nd October 2019:**

"The Council has undertaken several needs analyses, the latest being July 2018, to demonstrate the acute shortage of affordable housing in the District, especially in light of high house prices and that much of the District is also constrained by the Metropolitan Green Belt. It further highlights the importance small sites make to the contribution to the overall provision of affordable housing. Up until the end of March 2017 there has only been 22.6% of affordable housing provision which falls short of the policy requirement of 45% The shortfall demonstrates that the provision of affordable housing is still very much needed, such that Policy CP4 should continue to apply to small sites, despite the Framework and the WMS. In light of the Council's body of evidence that demonstrates the particular housing circumstances and needs

¹⁴ Paragraph 7, Planning Inspectorate Letter, March 2017.

of the District, I attach substantial weight to this local evidence and consider that the national policy position does not outweigh the development plan and Policy CP4 in this instance.”

- **APP/P1940/W/19/3230458, 19 Lynwood Heights, Rickmansworth,**

Decision date 11th October 2019:

“The Council states that its Strategic Housing Market Assessment (2010) has demonstrated that there is a significant affordable housing need locally due to very high house prices and rents and a constricted supply of suitable housing sites. Further, the South West Hertfordshire Strategic Housing Market Assessment (2016) estimated a net affordable housing need of 14,191 in the District between 2013-36 and there is also a worsening situation with regards to affordability. Based on the Councils evidence the District is the 7th most expensive local authority area in England and Wales in 2016 and demonstrates that its application of Policy CP4 has delivered a significant contribution of over £2.1 million towards the delivery of affordable housing without disrupting the supply of small residential sites. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The robust evidence referred to in footnote 1 and the clear need to deliver affordable housing in the District underpins the Council’s approach in Policy CP4 as an exception to national policy and therefore in this case, the Framework’s threshold would not outweigh the conflict with the development plan. I therefore attach considerable weight to Policy CP4. I am also referred to a number of recent appeal decisions in the District which support this approach and are therefore relevant to the scheme before me and as such carry considerable weight.”

- **APP/P1940/W/18/3213370: No.9 Lapwing Way, Abbots Langley.**

Decision Date 22nd May 2019:

“In considering whether provision should be made for affordable housing, there are two matters that need to be addressed. Firstly, whether in principle the provisions of Policy CP4 are outweighed by more recent Government policy. Secondly, if not, whether for reasons of financial viability a contribution is not required... There is no evidence before me that the application of Policy CP4 has put a brake on small windfall sites coming forward. Indeed, such sites have contributed over £2m to the affordable housing pot since 2011... Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. There are very important factors in support of the continued application of Policy CP4. These factors are not unique to Three Rivers. Government policy does not suggest that areas where affordability is a particular issue should be treated differently. Nonetheless, although a weighty matter, the national policy threshold is not a material consideration which outweighs the conflict with the development plan in this case. In making this policy judgment I have given considerable but not full weight to Policy CP4. I have also had regard to the other appeal decisions in the south-east referred to by the Council where Inspectors considered development plan policies seeking affordable housing against national policy. My approach is consistent with these decisions.”

- **APP/P1940/W/19/3229038: 124 Greenfield Avenue**

Decision Date 10th December 2019

“Furthermore, windfall sites make up the majority of the proposals in a District which is constrained by the Green Belt and so delivery of affordable housing from these sites is crucial. The submitted evidence supports the proportion of housing proposals which have been on small sites in the last few years. There is no evidence before me that seeking affordable housing on small sites has precluded small windfall sites coming forward – indeed such sites have contributed a significant amount to the affordable housing pot since 2011... Overall, there is substantial evidence of considerable affordable housing need in the District and it has been demonstrated that small sites make an important contribution to affordable housing delivery in the Borough. I attach very significant weight to this consideration. Whilst the Framework is a material consideration of very considerable weight, based on the local

circumstances of this case, in this instance the Framework does not outweigh the relevant development plan policy.”

- **APP/P1940/W/19/3238285: Bell Public House, 117 Primrose Hill, Kings Langley**
Decision Date 9th March 2020

“Even taking the appellants figures that 22.8% of affordable units have arisen from non major sites, I consider this to be an important and meaningful contribution...even taking the appellant’s figures my conclusion remains unaltered.”

- **APP/P1940/W/19/3229189: Glenwood, Harthall Lane, Kings Langley**
Decision Date 7th May 2020

“The Council’s evidence sets out the acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. They also highlighted a large number of recent appeal decisions for small residential schemes where it has been considered that the exceptional local need should outweigh government policy, as set out in the Framework... Despite the appellant’s evidence, which included reference to a Local Plan Consultation Document (October 2018) and an analysis undertaken by them based on the Council’s Housing Land Supply Update (December 2018), it was clear to me, in the light of all the evidence before me, that a pressing need for affordable housing in the area remains. It was also clear that small sites play a key role in ensuring this provision. As such, in this case, I am satisfied that although considerable weight should be given to the Framework, it does not outweigh the development plan policy.”

- **APP/P1940/W/20/3249107: 2 Church Cottages, Old Uxbridge Road, West Hyde**
Decision Date: 21st October 2020

“The Framework at paragraph 63 sets out that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas where policies may set out a lower threshold of 5 units or fewer. That said, there is clear evidence to suggest that there is an acute need for affordable housing in the Three Rivers District and there have been several appeal decisions which supported this view... I agree that there are special circumstances which justify the provision of affordable housing below the Framework’s suggested threshold... As a result, the proposal would be contrary to Policy CP4 of the CS which amongst other matters seeks to increase the provision of affordable homes including by means of a commuted sum payment for sites of between one and nine dwellings... I have also had regard to the obvious benefits in relation to the provision of a much-needed new dwelling. However, the benefits of this are outweighed by the lack of provision for affordable housing”

- **APP/P1940/W/20/3259397 24 Wyatts Road**

Decision Date 8th February 2021

“...I consider that the specific circumstances within this district together with the updated evidence to support Policy CP4 are sufficient, in this case, to outweigh the guidance of the Framework.”

- **APP/P1940/W/20/3260602: 8-10 Claremont Crescent, Croxley Green**

Decision Date 18th February 2021

“The Council’s case is that Policy CP4 should continue to apply to all housing developments, notwithstanding its lack of consistency with the more recent Framework. In justifying this position, it has provided robust evidence of a high affordable housing need in the district as well as an independent viability assessment in relation to this appeal. Furthermore, a number of similar appeal decisions, cited by the Council, show that Inspectors have considered development plan policies with lower affordable housing thresholds to outweigh national policy given the local evidence of substantial affordable housing need. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance it does not outweigh the relevant development plan policy. In making this judgement, I have given considerable but not full weight to Policy CP4.”

- **APP/P1940/W/20/3244533 2 Canterbury Way**

Decision Date 4th March 2021

“Over the plan period there have been times when the Council have applied Policy CP4 of the CS and times when they have not. I accept that this may have implications for the delivery of non-major sites, perhaps encouraging whether or not developers will bring forward proposals. However, it cannot be the only factor which influences whether or not such sites are brought forward. Furthermore, there is no substantive evidence to suggest that if Policy CP4 of the CS was not applied it would significantly increase the supply of housing in the district. Moreover, Policy CP4 of the CS was subject to an assessment of viability alongside all other requirements through the Local Plan process... Overall, on the basis of the evidence before me I am not convinced that the Council’s application of Policy CP4 of the CS is directly discouraging developers from bringing forward small sites due to the need to provide or contribute towards affordable housing or demonstrate that it viably cannot... housing affordability in the district is acute such that, based on the specific circumstances of this case and the evidence presented, I find on balance the proposal should make appropriate provision for affordable housing.”

- **APP/P1940/W/20/3260554: Land adjacent to 2 Coles Farm**

Decision Date 15th June 2021

“The appellant’s comments regarding the importance of small sites is noted as is the Council’s lack of a five-year housing land supply. Despite this, the proposal is required to secure a contribution towards the provision of affordable housing, however, at the point of determination no executable undertaking is before me... The proposal would be contrary to CS Policy CP4 and the Affordable Housing Supplementary Planning Document 2011 which require all new development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing.”

- **APP/P1940/W/21/3276715: Land adjacent to 62-84 & 99-121 Sycamore Road, Croxley Green Decision Date: 10th March 2022**

“Small housing sites have an important role in helping to deliver new housing in the district, including meeting a pressing need for affordable housing. For small housing sites of one to nine dwellings, paragraph e) of Policy CP4 of the CS allows for the possibility of commuted payments towards provision of off-site affordable housing. The Council indicates the indexation of such sums from a date of June 2011 to be the norm in most cases, to reflect the adoption date of the Three Rivers Affordable Housing Supplementary Planning Document (SPD), including its commuted payment formula, and so ensure that the contribution remains the same in real terms over time. Since the Council’s decision, a Planning Obligation by way of Unilateral Undertaking (UU) which proposes provision for affordable housing has been submitted by the appellant. The UU5 proposes an indexation date of 1st February 2022, and not 1st June 2011 as sought by the Council. As such, the UU does not make provision for adjustment of the affordable housing sum in proportion to any increase in the Retail Prices Index during the period of more than a decade since the adoption of the SPD. In this respect, I have no certainty that the proposed affordable housing contribution would be adequate to meet local need. I therefore conclude that the proposed development would not make adequate provision for affordable housing. As such, it would not accord with Policy CP4 of the CS which seeks to meet local need for more affordable housing in the district.”

- **APP/P1940/W/21/3277747: 3 Grove Cottages, Pimlico**

Decision Date: 16th March 2022

“Policy CP4 of the Core Strategy addresses the provision of affordable housing and under it the Council has identified a requirement for a commuted affordable homes contribution of £58,650 to be paid. The appellant has indicated a willingness to make such a contribution. A draft Unilateral Undertaking (UU)3 submitted with the planning application includes an obligation intended to secure the making of an affordable housing contribution. I am content that there is a need for an affordable housing contribution to be made, with the Council having justified why such a contribution should be paid, even though the development would not be a ‘major’ one for the purposes of paragraph 64 of the Framework.”

- **APP/P1940/W/21/328373448: Altham Gardens, South Oxhey**
Decision Date: 29th April 2022
"The latest statistics indicate that the Council has a shortage in its supply of housing land. Although the statistics do not specify affordable housing, the SPD indicates that there is a requirement for affordable housing in and around the Three Rivers Area and given the scale of the shortfall, it is reasonable to assume that it includes affordable housing. Given the policy requirement and the identified shortage of housing generally I am satisfied that the need for the contribution sought by the Council arises from the development and satisfies the three tests in Regulation 122(2) of the CIL Regulations 2010."
- **APP/P1940/W/22/3291286: 27 Gable Close, Abbots Langley**
Decision Date: 30th August 2022
"I am mindful that the Framework suggests that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). However, the Council has provided clear and compelling evidence to demonstrate an acute need for affordable housing in the District, including reference to numerous other appeal decisions which have supported the Council's case. There is no substantive evidence before me which would lead me to a different conclusion, including with regard to the primacy of the development plan. There would therefore be an expectation that the appeal scheme would contribute financially towards the provision of affordable housing."
- **APP/P1940/W/21/3284630: The Puffing Field, Windmill Hill**
Decision Date: 23rd September 2022
"The Council's evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. On the evidence before me, I have no substantive reason to disagree with this position."
- **APP/P1940/W/22/3291193: Rear of The Woodyard, Sarratt**
Decision Date: 27th October 2022
"The Council's evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. The requirement for and the amount of the affordable housing contribution are detailed in the Council's submissions."
- **APP/P1940/W/22/3291601: Meadow Farm, Hyde Lane, Nash Mills**
Decision Date: 10th May 2023
The Council's evidence sets out a robust assessment of the identified need for affordable housing, the reasons for a lower threshold than that required by national policy, and why small sites are so important in contributing to the provision of such housing in the district. Accordingly, I attach substantial weight to this evidence and consider that affordable housing provision is required in this case
- **APP/P1940/W/22/3313385: Greenways, Seabrook Road, Kings Langley**
Decision Date: 8th August 2023
As set out in Policy CP4 of the Core Strategy and amplified in the Affordable Housing Supplementary Planning Document (the SPD), all new housing is required to contribute to the provision of affordable housing in the District, without exceptions. Due to the scale of the appeal scheme, the use of a commuted payment, secured by a Section 106 agreement, towards provision off-site would be appropriate.
- **APP/P1940/W/23/3315063: Dell Cottage, Dog Kennel Lane, Chorleywood**
Decision Date: 20th June 2023
In relation to affordable housing, Policy CP4 of the Core Strategy requires that contributions to affordable housing will be sought for all new housing development with the use of commuted payments towards off site provision considered for small sites. The submitted UU obligates the appellant to pay an agreed sum to the Council prior to the commencement of development on the site. In

accordance with paragraph 57 of the Framework, I have considered the UU against the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. I am satisfied that the provisions are necessary to make the appeal scheme acceptable in planning terms and are fairly and reasonably related in scale to the proposed development, thereby meeting the three tests identified above

- **APP/P1940/W/23/3320530: Ved House, Topilts Lane, Rickmansworth**

Decision Date: 7th February 2024

The Council's Housing Needs Analysis [2023] provides an up-to-date and robust assessment of the Council's affordable housing need. This demonstrates that the need for annual affordable housing need for rent and to buy represents 80% of the district's total housing need. The Council identifies that it has been securing a provision of 22.5% affordable housing units between 2001 and 2022, substantially below its policy requirement. Furthermore, the Council has demonstrated that around 89% of applications received for residential development, over a recent 5-year period, have been small sites. The contributions collected from these have enabled the Council to deliver a significant number of affordable dwellings. The Council's Housing Needs Analysis is of significant weight in my assessment of this proposal and supports the need for an affordable housing contribution and explains its importance

- **APP/P1940/W/23/3327431: 1 Gade Bank, Croxley Green**

Decision Date: 18th March 2024

Policy CP4 of the CS requires commuted payments towards the provision of off-site affordable housing. A completed planning obligation has not been submitted to provide the necessary commuted payments, and I note the appellant's statement in their final comments that one would not be provided at this stage.

I conclude that the proposal does not make adequate provision for affordable housing. The proposal would therefore conflict with Policy CP4 of the CS and the Framework, which seek to increase the provision of affordable homes in the District.

- **APP/P1940/W/23/3314469: 35 Lower Road, Chorleywood**

Decision Date: 10th April 2024

The Council's Affordable Housing Supplementary Planning Document ('the SPD') identifies that average house prices within the district are some of the highest in the country outside of London. It identifies that the lack of suitable and affordable housing within the area impacts on the ability of the district to attract and retain workers. Although the SPD was published in 2011, more recent evidence from 2020 indicates that an affordability issue persists within the district; at that time, it had the fourth worst affordability ratio for local authority areas in England and Wales.

Accordingly, Three Rivers Local Development Framework Core Strategy ('CS') Policy CP4 requires the provision of affordable housing of 45% for all new housing development. The policy identifies that whilst in most cases, affordable housing provision should be made on site, on smaller sites of up to 9 dwellings, that a commuted payment ('AHP') towards off-site provision would be acceptable in lieu of delivery on-site.

Both the supporting text to CS Policy CP4 and the SPD acknowledge that affordable housing provision can have viability implications for development proposals, with the SPD stating that it will consider reductions to AHPs where informed by viability. The SPD also sets out that the onus is on a developer to demonstrate that viability would be jeopardised, by means of a robust financial appraisal.

The need for the proposal to deliver an AHP in order to accord with CS Policy

CP4 is not a matter of dispute. However, there is dispute with regard to the amount of the AHP, and subsequently, whether the provision of a commuted sum would render the proposal unviable

....On the basis of this reasoning, in reaching my conclusion, I have taken the Council's surplus figure adjusted for the additional commercial cost of £38,500. This indicates that the proposal would return a surplus, albeit this would be unlikely to be sufficient to allow the full payment of an indexed AHP. However, it is possible that an AHP of some form could be secured.

I therefore conclude that as the proposal would be likely to deliver a surplus, that an AHP, albeit reduced from the full indexed AHP figure, would be applicable in this instance.

On this basis, the proposal would fail to make adequate provision for affordable housing. It would be contrary to CS Policy CP4, the content of which I have set out above. It would also fail to accord with advice within the SPD.

... for the reasons given above, the appeal scheme would fail to make appropriate provision for affordable housing in an area with a significant need for such, and I cannot be certain that it would not harm protected species.

Consequently, the adverse effects of granting planning permission would, in this case, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

- **APP/P1940/W/23/3333829: Ravenswood Farm, Church Lane, Sarratt**
Decision Date: 3rd July 2024

The Council's fourth reason for refusal refers to the absence of a legal agreement. Core Strategy Policy CP4 requires commuted payments towards the provision of off-site affordable housing. This point is not disputed by the appellant and they have indicated a willingness to provide such a contribution and a draft legal agreement was submitted with the appeal.

The Procedural Guide: Planning Appeals – England May 2024 is clear that if the appellant intends to send a planning obligation and wants to be certain that it will be taken into account by the Inspector an executed and certified copy of the planning obligation should be provided at the time of making the appeal.

I note the appellant's statement in their final comments that one would be provided. However, a completed planning obligation has not been submitted to provide the necessary commuted payments. As such, the proposal does not make adequate provision for affordable housing. The proposal would therefore conflict with Policy CP4 of the Core Strategy and the Framework, which seek to increase the provision of affordable homes in the District.

- **APP/P1940/W/23/3324209: Cottage Farm, Redhall Lane, Rickmansworth**
Decision Date: 3rd October 2024

Policy CP4 of the Core Strategy seeks an overall provision of around 45% of all new housing as affordable housing. In relation to small sites delivering between one and nine dwellings, the use of commuted payments towards provision off site is considered.

The Council's evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. The Council and the appellant have come to an agreement on a commuted payment of £122,267 towards off site affordable housing provision. Based on the evidence before me, I have no reason to dispute this. The appellant has provided a completed

Unilateral Undertaking which would secure the required financial contribution.

The contribution sought has been demonstrated to be necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development. Consequently, the obligation would comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the Framework.

I therefore conclude that the proposal would make appropriate provision for affordable housing in accordance with Policy CP4 of the Core Strategy.

- **APP/P1940/W/24/3342047: Land to the Rear of 51-53 Greenfield Avenue**

Decision Date: 14th October 2024

CS Policy CP4 requires that contributions to affordable housing will be sought for all new housing development with the use of commuted payments towards off site provision considered for small sites.

The submitted UU obligates the appellant to pay an agreed sum to the Council prior to the commencement of development on the site. In accordance with the National Planning Policy Framework (the Framework), I have considered the UU against the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. I am satisfied that the provisions are necessary to make the appeal scheme acceptable in planning terms and are fairly and reasonably related in scale to the proposed development, thereby meeting the three tests identified above.

- **APP/P1940/W/24/3340719: Land Adjoining 10 Gypsy Lane, Hunton Bridge**

Decision Date: 21st February 2025

CS Policy CP4 expects 45% of all new housing to be affordable. For small sites such as the proposal, this may be provided through commuted payments for housing elsewhere. Such contributions are payable, unless it can be shown that they would make the scheme unviable.

Policy CP4 was adopted prior to the publication of the Written Ministerial Statement in November 2014. This made clear that affordable housing should not be sought for developments such as the proposal. As a result, for a time, the Council did not require affordable housing contributions from some schemes, including for the development now built at 18 Hunton Bridge Road.

*However, the Council has recommenced requiring such contributions. This follows evidence of the very high house prices and pressing need for affordable housing in the District, which is not disputed. The Council's Annual Monitoring Report for 2023/2024 shows that, out of 17 sites of one or more houses, six made commuted sums. **The use of such sums from small-scale development therefore makes a meaningful contribution to addressing the housing needs of the District.***

The PPG and Paragraph 65 of the new Framework state that affordable housing should not be sought for non-major residential developments, as here. The need to make financial contributions, or to justify non-viability, results in additional costs and delay particularly to small-scale housing schemes. I understand that some development plan policies in other areas, including in parts of London, do not seek contributions from small-scale proposals.

*Even so, policy CP4 remains the adopted policy within the District. I am mindful that the new Framework re-states previous national policy, rather than indicating a change in the direction of the Government. As such, **given the acute need for affordable housing locally, and the contribution that small sites make to reducing this***

need, I give greater weight to CS policy CP4 than to Framework Paragraph 65.

Where non-viability is cited for non-compliance with these requirements, policy CP4 requires justification by way of a financial viability assessment. Viability was a matter of dispute between the main parties, including in respect of land values and build costs. However, at the Hearing, the Council and the appellant were able to agree on a contribution that would make some provision for affordable housing whilst not making the proposal unviable. I see no reason to dispute the amount, and the contribution, secured by the UU, would meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010.

For the reasons given above, I conclude that the proposal would need to make a contribution towards affordable housing provision, and that the amount secured would be sufficient to comply with CS policy CP4. Given its size, this attracts limited positive weight in favour of it.

Conclusion

- 2.34 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Having regard to the Framework as a material consideration of significant weight, officers' view is that the local evidence of affordable housing need continues to deserve significant weight in deciding whether, for the purposes of Section 38(6), the revised Framework policies weigh sufficiently against the Core Strategy Policy CP4. Having undertaken this assessment in 2017 and further reviewed it post the new NPPF in 2018, in December 2019, December 2020, February 2022, February 2023, April 2024 and July 2025 with regard to more up to date evidence, where available, officers are of the view that the Framework does not outweigh the weight to be attached to the local evidence of affordable housing need. That evidence shows that the need for affordable housing in Three Rivers is great and the contribution that small sites have made has been significant. Furthermore, comparisons between 2016-2024 ONS data shows that the affordability of housing in Three Rivers has remained low year on year and the need for affordable housing units is growing. As such proposals for the residential development of sites of 10 dwellings or less (not "major development") will currently be expected to contribute towards the provision of affordable housing in accordance with Policy CP4 as a condition of grant. The Council will keep this evidence under review.

Appendix 1: Appeal Decisions 3146699 (Elmbridge Borough Council), 315661 (Reading Borough Council), 3142834 (South Cambridgeshire District Council) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729), Three Rivers District Council (3230911, 3230458, 3213370, 3229038, 3238285, 3229189, 3249107, 3259397, 3260602, 3244533, 3260554, 3276715, 3277747, 328373448, 3291286, 3284630, 3291193, 3291601, 3313385, 3315063, 3320530, 3327431, 3314469, 3333829, 3324209, 3342047, 3340719)

Appendix 2: Letter from the Planning Inspectorate to Richmond and Wandsworth Councils, March 2017

Sources Used:

1. Core Strategy (October 2011)

[https://cdn.threerivers.gov.uk/files/2023/01/945fc600-9ff2-11ed-8d80-6dc425ce7e94-core-strategy-adopted-17-oct-2011%20\(1\).pdf](https://cdn.threerivers.gov.uk/files/2023/01/945fc600-9ff2-11ed-8d80-6dc425ce7e94-core-strategy-adopted-17-oct-2011%20(1).pdf)

2. Annual Monitoring Report 2023/2024 (December 2024)
<https://cdn.threerivers.gov.uk/files/2024/12/a48e36b0-bee0-11ef-96f7-11db50b6bf11-FINAL%20Annual%20Monitoring%20Report%202023-2024.pdf>
3. Affordable Housing Supplementary Planning Document (June 2011)
<http://www.threerivers.gov.uk/eqcl-page/supplementary-planning-documents>
4. South West Hertfordshire Local Housing Needs Assessment Update (March 2024)
<https://cdn.threerivers.gov.uk/files/2025/02/87ecbcc0-e46a-11ef-91c0-6b9ca2e0e81d-2024%20LHNA%20Report.pdf>
5. Office of National Statistics Housing Data 2002-24
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

July 2025

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PLANNING COMMITTEE – 18 June 2026

PRELIMINARY REPORT

26/0194/OUT: Outline Application: Demolition of existing development and redevelopment of the Site, including the construction of up to 333 dwellings (Use Class C3) of which 50% affordable housing, 66 bed Care Home (Use Class C2), Medical Centre (Use Class E (e)), Local Centre [containing Retail (Use Class E (a-c)), Community Facilities (use Class F2) and Cafe (Use Class E(a))] and associated play space, parking and associated infrastructure. New vehicular access onto Shepherds Lane and pedestrian and cycle accesses onto Shepherds Lane and Berry Lane, bus stop, bike station, landscaping, pedestrian / cycleway access routes, green infrastructure including community amenity space, allotments, play areas, outdoor gym trail / equipment and associated infrastructure including sustainable urban drainage systems (all matters reserved except for access) at Catlips Farm, Berry Lane, Chorleywood

Parish: Chorleywood Parish Council.

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 20 May 2026

Case Officer: Adam Ralton

Extension agreed to: 25 June 2026

Development Type: Major Application

Recommendation:

- (1) That Members agree for officers to arrange a site visit prior to this application being presented to Planning Committee for a decision.
- (2) That the Committee notes the report, and is invited to make general comments with regard to the material planning issues raised by the application.

NOTE: A decision will NOT be made on this application at this time. The application will be returned to a future committee meeting for determination.

Reason for consideration by the Committee: The application has been called in to committee by three Members of the Planning Committee to discuss the potential impact of the proposal on the Green Belt, highways, and sustainability implications, and whether there are any material considerations that outweigh any harm. The Parish Council have also requested the application be called in, for the reasons set out at 9.3 below.

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=TA789AQFJW300>

1 Relevant Planning History

- 1.1 23/2062/EIA: Environmental impact assessment screening request in relation to a proposed development of up to 300 dwellinghouses. EIA not required.
- 1.2 24/1213/EIA: Environmental impact assessment screening request in relation to a proposed development of up to 400 dwellinghouses. EIA not required.

2 Description of Application Site

- 2.1 The application site is an undeveloped greenfield site to the north of Chorleywood. It has an area of approximately 25.9ha and is currently used primarily for grazing of horses, with the fields divided into a series of paddocks. The land includes extensive areas of stables, a

horse walker and other equestrian features, an area used for outdoor storage, and two dwellinghouses.

- 2.2 The topography varies throughout the site. To the southern part, alongside Shepherds Lane, the land generally slopes up away from the M25 and away from Shepherds Lane. The parcel alongside the M25 forms a mound which rises away from the M25 and then falls, forming a bund. The main central area is relatively flat, but with a trend down toward the M25 'mound' and the edge of the woodland. The northeastern parcel generally slopes down toward the Woodland and the north western parcel slopes down fairly steeply toward Berry Lane.
- 2.3 The application site is primarily viewed as grassy paddocks. The various fields are generally divided by hedgerows and trees. Pheasants Wood wraps around the north and east parts of the site. This is generally an area of broad-leaved woodland, and includes an area of ancient woodland to the immediate east of the north-eastern land parcel. The woodland is also identified as a wildlife site. Within and adjacent to the southern boundary of the site are a number of TPO trees, including individually TPO trees along the southern boundary and an area TPO along the first part of the existing entrance drive.
- 2.4 There are no public footpaths within the application site, however there is a public footpath (Chorleywood 030) which runs along the north eastern boundary of the site, from the M25 footbridge, through Pheasants Wood and emerging on Berry Lane close to where the railway is carried over Berry Lane. There is a second public footpath approximately 100m north west of the existing entrance drive, along Shepherds Lane (Chorleywood 029). This leads towards Berry Lane, and links to Chorleywood 028 on the opposite side of Berry Lane which links down to Chorleywood Bottom. There is also a public footpath on the opposite side of Shepherds Lane from the application site (Rickmansworth 066) which runs alongside the M25 toward Heronsgate.
- 2.5 To the south west of the application site is Shepherds Lane, with open agricultural fields beyond. There are also fields beyond the north western boundary, identified as being part of the West Clayton Business Centre. Beyond the south eastern boundary of the site is the M25, with the residential area of Mill End beyond. Beyond the northern boundaries are woodland within Pheasants Wood. The northernmost parcel of land abuts Berry Lane, with a single detached dwelling to the east of that parcel and fields to its west. Berry Lane contains generally detached dwellings set in spacious plots and surroundings.
- 2.6 In terms of land use planning designations, the application site is wholly within the Metropolitan Green Belt. The boundary of the Chorleywood Common Conservation Area runs along the rear gardens of the properties facing the site along Berry Lane, and fronts Berry Lane beyond the west of the site. The conservation area extends north away from the site. As already identified, beyond the north west of the site is the allocated Open Space of Pheasants Wood, part of which is Ancient Woodland and a Wildlife Site. Part of the site (to the south east of the existing buildings) encompasses Pheasants Wood and the Wildlife Site.

3 Description of Proposed Development

- 3.1 This application seeks outline planning permission for the demolition of existing development and redevelopment of the site, including the construction of:
- Up to 333 dwellings (Use Class C3) of which 50% would be affordable housing,
 - 66 bed Care Home (Use Class C2),
 - The planning statement confirms this would cater in particular for older people and/or those with specialist dementia related care needs and would provide 66 single occupancy en-suite bedrooms.
 - Medical Centre (Use Class E (e)),

- Local Centre [containing Retail (Use Class E (a-c)), Community Facilities (use Class F2) and Cafe (Use Class E(a))] and associated play space,
 - Parking and associated infrastructure.
 - New vehicular access onto Shepherds Lane and pedestrian and cycle accesses onto Shepherds Lane and Berry Lane,
 - Bus stop, bike station, landscaping, pedestrian / cycleway access routes,
 - Green infrastructure including community amenity space,
 - Allotments,
 - Play areas, outdoor gym trail / equipment and
 - Associated infrastructure including sustainable urban drainage systems.
- 3.2 This application has been submitted in Outline with the matter of Access submitted for approval, and matters of Appearance, Landscaping, Layout and Scale reserved for later consideration. Access is defined in the Development Management Procedure Order as meaning 'the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network'.
- 3.3 The main access to the site would be created from Shepherds Lane, approximately 118 metres north-west of the bridge that carries the M25 over Shepherds Lane and approximately 280m south-east of the existing vehicular access that serves Catlips Farm. This would be a vehicular access, with a footway either side to adjoin the internal pavement/footway network. There is an existing footpath running alongside Shepherds Lane from the south east and this would be routed into the application site and widened to 2 metres. The vehicular access would be constructed at a point in Shepherds Lane before the road narrows from a two-lane road down to a single track road.
- 3.4 The existing vehicular access to the site, which is at the single track part of Shepherds Lane, would be retained but amended to provide a pedestrian and cycling route only, with no vehicular access taken to/from this access.
- 3.5 The existing access point from Berry Lane would be retained, and a further access point constructed approximately 80 metres east of this also onto Berry Lane. These would be for cycle and pedestrian use, and not for vehicular access. There is no proposed change to the substation adjacent to the existing Berry Lane access.
- 3.6 The final two access points are to the eastern side of the site, and would connect into two points of public footpath 030 – one would link to the footpath close to the footbridge over the M25, and the second would be adjacent to the communications mast close to the M25.
- 3.7 The application is submitted in outline, with an illustrative layout provided which shows how the site could be developed, with circulation and access roads, walking routes in the form of pavements alongside the roads and separate walking routes around the site.
- 3.8 The application is supported by the following drawings:
- Dwg 2026/331/100 Masterplan
 - Dwg 2026/331/101 Illustrative Contextual Site Plan
 - Dwg 2026/331/102 Illustrative Bird's Eye Wider Contextual Masterplan
 - Dwg 2026/331/103 Illustrative Bird's Eye Contextual Masterplan
 - Dwg 2026/331/104 Topographic Survey
 - Dwg 2026/331/105 Site Location Plan
 - Dwg 5871-001 (Rev H) Access Layout and Visibility Splay
 - Dwg 5871-002 Pedestrian and Cyclist access South Access
 - Dwg 5871-003 Pedestrian and cyclist access and visibility splay north access
 - Dwg 5871-004 Pedestrian access East accesses

3.9 The application is supported by the following documents:

- Agricultural Land Classification Report (Roberts Environmental Ltd, July 2025)
- Air Quality Assessment (Air Dust Odour, January 2026)
- Arboricultural Impact Assessment (GHA Trees, January 2026)
- Archaeological Desk Based Assessment (HCUK Group, February 2026)
- Biodiversity Checklist (signed February 2026)
- Biodiversity Statement and Draft Biodiversity Gain Plan (Luscinia Ecology, February 2026)
- Biodiversity Metric (7 February 2026)
- Covering Letter (Statement Planning, 6 February 2026)
- Design and Access Statement (PFG Design, February 2026)
- Draft Planning Obligation
- Ecological Assessment (Luscinia Ecology, February 2026)
- Energy Statement (Energist, February 2026)
- Flood Risk Assessment and Sustainable Drainage Strategy (Fernbrook, February 2026)
- Framework Travel Plan (Bellamy Roberts, February 2026)
- Green Belt Technical Note (Progress Planning, February 2026)
- Heritage Impact Assessment (HCUK Group, February 2026)
- Illustrative Visuals (PFG Design, February 2026)
- Infiltration Testing (Paddock GeoEngineering, June 2025)
- Landscape and Visual Impact Assessment (CGLA Landscape Architecture, January 2026)
- Letter from Gade and Chorleywood Health Centres (February 2026)
- Letter from LNT Care Developments (January 2026)
- Minerals Resource Assessment (Roberts Environmental Ltd, July 2025)
- Noise Impact Assessment (Sound Planning Ltd, March 2026)
- Pedestrian and Cyclist Environment Review System (Bellamy Roberts, January 2026)
- Phase I Geo-Environmental Risk Assessment (Roberts Environmental Ltd, July 2025)
- Planning Statement including Affordable Housing Statement (Statement Planning, February 2026)
- Statement of Community Involvement (The Community Communications Partnership, January 2026)
- Transport Assessment (Bellamy Roberts, February 2026)
- Verified Views Document (Wizard Visuals)

3.10 During the course of the application the following additional documents were submitted.

- Highways Note – Response to Active Travel England (March 2026)
- Sustainable Drainage Strategy Addendum (March 2026)
- Addendum Highways Note (March 2026)
- Legal Opinion (March 2026)
- Parameter Plan (Drawing 2026/331/106)
- Amended Flood Risk Assessment and Sustainable Drainage Strategy (April 2026)
- Letters from Natural Assets Partners and Woodoaks Farm (both dated 19 March 2026) regarding BNG.
- Heritage Addendum (27 April 2026)
- Amended Schedule of Accommodation, Masterplan, Layout plan
- Amended verified views document
- Addendum to LVIA (May 2026)
- Amendment to Appendix 6 of Transport Assessment (May 2026)
- Enhanced Sustainable Transport Strategy (21 May 2026)
- Amended Air Quality Assessment (19 May 2026)
- Addendum to Heritage Impact Assessment (May 2026)

4 Consultation

4.1 Summary of Consultation Responses:

Active Travel England	Comment received
Affinity Water	Comment received
Chorleywood Parish Council	Object
Environment Agency	No objections
Hertfordshire County Council – Archaeology	No objections
Hertfordshire County Council – Adult Care Services	Comment received
Hertfordshire County Council – Growth and Infrastructure	No objections
Hertfordshire County Council – Highway Authority	Object
Hertfordshire County Council – Lead Local Flood Authority	No objection
Hertfordshire County Council – Minerals and Waste	No objection
Hertfordshire County Council – Water Officer	Comments received
Hertfordshire Constabulary	No comment received
Herts Ecology	More information needed
Historic England	No comment
National Grid	Comment received
National Highways	No objection
NHS Herts and West Essex ICB	Comment received
Thames Water	No objection
Three Rivers District Council - Conservation Officer	More information needed
Three Rivers District Council - Environmental Health	No objections
Three Rivers District Council - Housing Team	No objections
Three Rivers District Council – Landscape Consultant	Comment received
Three Rivers District Council - Leisure Team	Comment received
Three Rivers District Council - Local Plans Team	Comment received
Three Rivers District Council – Tree and Landscape Officer	No comment received
Three Rivers District Council – Urban Design consultant	Comment received
Transport For London	No comment

4.1.1 All consultation responses are provided at Appendix 1 at the end of this report.

4.2 Public/Neighbour Consultation Responses

4.2.1 No. Consulted: 238.

4.2.2 Approximately 170 responses have been received, comprising 150 objections, 4 representations and 16 letters of support.

4.2.3 Site Notice: Seven site notices displayed 24 February 2026 (expired 17 March 2026).

4.2.4 Press Notice: Published 6 March 2026 (expired 27 March 2026).

4.2.5 Summary of letters of support:

- A great opportunity to let new individuals and families enjoy Chorleywood.
- Chorleywood businesses and village centre are in need of more customers to thrive and survive.
- A more culturally diverse population would be welcomed..

- Proposal offers much needed mixture of housing.
- New open areas and parks good for wellbeing and enjoyment.
- Medical centre will help with the strain on existing practices.
- Pleased to see connection to Chorleywood Station.
- Clear need for more affordable housing in the area.
- Proposal appears to enhance infrastructure rather than strain.
- Scheme is sustainably located.

4.2.6 Summary of Representations:

- This development is suitable for the inclusion of swift bricks within the walls of new buildings which provide nest cavities for a number of birds.

4.2.7 Summary of Objections:

IMPACT ON GREEN BELT

- Development would look to join boundaries between Rickmansworth and Chorleywood.
- Inappropriate development in the Green Belt, substantial harm to openness, clear encroachment into the countryside.
- Generic benefits don't outweigh the harm.
- Site is high performing Green Belt.
- Chorleywood would merge with Mill End, this is urban sprawl.

IMPACT ON LANDSCAPE

- Scale and density would urbanise a semi rural edge of Chorleywood.
- Site serves as a critical setting for the Chilterns AONB.
- Natural beauty of the hillside will be lost.
- Proposal would harm the landscape setting of Chorleywood village.

IMPACT ON HERITAGE

- Proposal would impact the views from the conservation area.

IMPACT ON HIGHWAYS, ACCESSIBILITY

- Shepherds Lane cannot cope with the additional cars, it is single track with no footway and limited passing space and visibility.
- Bringing bus onto the site would cause chaos at morning peak.
- Health centre, houses, retail, will all bring more vehicles and deliveries into the site, along Shepherds Lane.
- When M25 has problems, local area comes to a standstill and this will be worse with the additional traffic on Shepherds Lane.
- On-street flooding problems already exist and will be worse
- Road is too dangerous to walk along.
- Access roads including Grove Road, Field Way and Church Lane are already busy, and have parked cars blocking the routes.
- Without guaranteed long term funding, busses cannot run and the development will be fundamentally unsustainable.
- Documents rely on public rights of way but these are steep and unusable in places, including being unlit. The upgrades are mitigation layered onto an inherently car dependent edge of settlement site.
- Previous highways reports have found there will be significant and severe highways safety impacts.
- Surrounding roads are single track roads, limited passing places other than driveways.
- Hertfordshire County Council have offered children taxis to get to and from school because Berry Lane is not safe to walk on.

IMPACT ON INFRASTRUCTURE

- Schools, healthcare, drainage and transport are already under pressure.

- Inclusion of NHS facility does not guarantee NHS commissioning or staff. It is a speculative benefit.
- Drainage and sewerage already at capacity so cannot cope.
- Trains are already at capacity.

IMPACT ON ENVIRONMENT, ECOLOGY, BIODIVERSITY

- Proposal risks habitat loss and fragmentation.
- Proposal would destroy green areas.
- Loss of wildlife and impact on ancient woodland

OTHER

- Development would be next to the busiest motorway in Europe with high pollution.
- Overdevelopment in Rickmansworth is going to destroy the town.
- M25 acts as a major physical barrier, proposal is an isolated car dependent urban island over 20 minutes walk from the station and village core.
- Would permanently displace agricultural and equestrian land, eroding rural land use.
- Affordable housing is not genuinely affordable.
- Chorleywood's population would significantly increase, it would lose its village feel and become a town.
- Concern over construction activities.
- Concerns regarding dumping of asbestos on the site.
- Will result in a loss of Best and Most Versatile agricultural land.
- Mill End has limited shops, schools and medical facilities, all under strain.
- Proposal conflicts with neighbourhood plan.

4.2.8 Responses were also received from the following local organisations/groups:

4.2.8.1 Campaign to Protect Rural England Hertfordshire (Objects)

I write with regard to the above planning application to which CPRE Hertfordshire objects for the following reasons.

1. The land identified for this proposed development is designated as London Metropolitan Green Belt in the adopted Three Rivers Core strategy where development is stated as being inappropriate unless very special circumstances are identified which clearly outweigh the harms caused, according to criteria in the National Planning Policy Framework (NPPF).
2. The Applicant's planning consultants note the 2024 revision of the NPPF and the introduction of the concept of grey belt as a significant justification for the submission of this application. They also state that, in the event of grey belt not being established, very special circumstances can be identified to clearly outweigh the harm caused to the Green Belt in this location.
3. The site is included in the emerging Draft Local Plan Regulation 18 document which was published for further public consultation in July 2025. It is not appropriate in our view for such a significant allocation in the Green Belt to be determined outside the Local Plan process which has been seriously affected by the unprecedented issuing of a Holding Direction by the Secretary of State in February 2026 with regard to further progress of Local Plan preparation.
4. The Secretary of State's intervention has been accompanied by a public statement that the emerging Local Plan is highly likely to be found unsound, in advance of any Examination in Public. We have profound concerns about the appropriateness of such a procedure which may amount to effective pre-determination of any subsequent planning applications.
5. This concern is much heightened by the recent recovery by the Secretary of State of the planning application (reference 25/1020/OUT) for Oxhey Lane, Carpenders Park which is a similar proposed development of 256 units in Three Rivers in the Green Belt. CPRE Hertfordshire believes that consideration of matters regarding housing land supply, and specific applications should be dealt with in a coordinated manner through

- the Local Plan preparation, particularly where land is constrained by statutory protection.
6. Very significant local community opposition continues to development in the Green Belt. The proposed development would clearly constitute a breach of the first, second and third purposes of the Green Belt as identified in the NPPF (paragraph 143) to prevent urban sprawl, the coalescing of settlements and encroachment onto open countryside.
 7. We entirely refute the assertion that the first purpose of the Green Belt has no relevance in this case and that this site constitutes grey belt under the present legal definitions. In the case of the London Metropolitan Green Belt, the first purpose of the Green Belt refers as much to the effect of the urban sprawl emanating from the growth of the capital as the major development generator in this and the surrounding areas, as to the sprawl of other major settlements.
 8. The proposed development is clearly urban sprawl beyond the built-up area of the adjoining settlement of Chorleywood which the Green Belt legislation was designed to prevent. Arguments relating to the inconsequential impact of each individual application on the Green Belt as a whole become seriously inappropriate when the cumulative effect of several applications is considered, as is occurring in Hertfordshire. Accordingly, CPRE Hertfordshire believes that the first reason for the Green Belt as identified in NPPF paragraph 143 applies in this case.
 9. Further, the proposed development will make a major contribution to the coalescence of the settlements of Chorleywood and Rickmansworth thus affecting the second purpose of the Green Belt. Together with purpose c) regarding encroachment onto the countryside, they provide the “strong reason” required to refuse development as noted in the NPPF footnote 7. Recent planning inquiry, and increasingly Council planning decisions permitting development are demonstrating the hugely damaging impact of the present definition of grey belt on open countryside.
 10. It is noteworthy that virtually every major planning application for residential and commercial development within the Green Belt in Hertfordshire made since 12th December 2024 has identified the site as grey belt, notwithstanding the quality and character of the landscape or local conditions in each case. This is clearly an unsustainable position and it is becoming increasingly clear that the existing definitions and guidance on grey belt are entirely inadequate to prevent the wholesale removal of highly valued and significant Green Belt protections.
 11. CPRE Hertfordshire will continue to campaign vigorously for changes in national planning policy and PPG to redress the imbalances that now exist in assessing the impact of the merging of Green Belt settlements, regardless of the settlement size. Unrestricted development around villages adjacent to and between towns could ultimately lead to the coalescence of larger settlements.
 12. Remaining issues quoted in the Planning Statement regarding very special circumstances constitute obligations which would accrue to any proposed development of this size and function. The now standard practice in major planning applications in the Hertfordshire Green Belt of listing such benefits, including public services and facilities and the like reduces the consideration of such issues to a check-list of items irrespective of the conditions and circumstances of the location and inevitably renders them as less “special”.
 13. As significant as the proposed benefits is the growing paucity of open space adjacent to built-up areas with its attendant physical and mental health benefits. The Green Belt in this area is under unrelenting pressure for development which is jeopardising the highly valued benefits which protection brings, and its continual reduction is in danger of bringing the planning system into disrepute.
 14. The existence of legally binding agreements between appropriate institutions involved in the provision of truly affordable low cost housing should be required in this case. Given the inadequacy of the official definition to reflect the true state of the housing market in Hertfordshire, affordability for average earning households is generally unattainable in the County.
 15. We note the intention to provide 50% affordable housing but this is essentially meaningless without further information and commitments to its provision. There is

significant experience in Hertfordshire and elsewhere of initial commitments to affordable housing not being maintained, generally quoting viability issues and at the very least the Council should seek robust guarantees regarding affordable housing proposals.

16. In summary, it is undeniable that the planning policy context created by the 2024 revised NPPF has provoked a disturbingly high number of new applications and reapplications for sites which were previously refused permission. Whereas a proportion of such applications may warrant consideration for various reasons, the illogicality of the revised NPPF supporting five purposes of the Green Belt (para 143) and then only permitting three purposes to be considered in applications (NPPF Glossary definition) is unsupportable in this case.
17. South-west Hertfordshire is under unrelenting pressure for development and the value of the open countryside that remains increases for local communities and visitors, notwithstanding wider environmental benefits relating to the amelioration of the effects of climate change, maintenance and enhancement of biodiversity, and physical and mental health.

We urge the Council to refuse permission for this inappropriate speculative development.

4.2.8.2 The Woodland Trust (Objects):

Please find the Woodland Trust's comments on this application below. Our comments are based on a review of the information provided in the planning application. We are an evidence-led organisation, using our policy and planning expertise to assess impacts of development on ancient woodland and veteran trees.

Woodland Trust position

The Trust objects to this application on the basis of deterioration of Pheasant's Wood (grid ref: TQ 02652 94963), designated as an Ancient Semi Natural Woodland on Natural England's Revised Ancient Woodland Inventory (AWI).

We are concerned that the applicant has not used Natural England's Revised AWI which provided updated information on the location of ancient woodland in Hertfordshire earlier this year. The Revised AWI significantly extends the area of Pheasant's Wood designated as ancient such that it now also includes the larger parcel of woodland to the south.

In order for the impact on ancient woodland to be fully assessed and understood the applicant needs to provide the following information: -

- Clear plans showing the boundaries of the ancient woodland adjacent to the site
- Measurements showing width of buffer zones in relation to key infrastructure
- Clear indication of where access into buffer zones will be encouraged or deterred
- Clarity on the proposals for the two new pedestrian access points within ancient woodland at grid ref: TQ 03795 95096 and grid ref: TQ 03852 95308
- Details of any other work proposed within ancient woodland or within buffer zones
- Assessment of impacts arising from: -
 - o intensified activity within and adjacent to ancient woodland
 - o habitat fragmentation and reduction in landscape connectivity
 - o noise pollution and emissions from increases in traffic
 - o changes to surface or groundwater flows (e.g. from hardstanding/SUDs)
- Details of any veteran trees within or adjacent to the site, assessment of impacts and mitigation proposals

In its current form the proposals in relation to ancient woodland are not clear, and there is no accompanying assessment of impact. As such it has not been demonstrated that it will in principle be feasible to mitigate impacts on the ancient woodlands.

Therefore, it has not been demonstrated that the application is consistent with National Planning Policy Framework para 193 (c) and reflects Natural England and Forestry Commission's standing advice¹ (see Annex A for details).

Ancient Woodland

Ancient woodland is an irreplaceable habitat of great importance for its wildlife, soils, recreational and cultural value, historical and archaeological significance, and the contribution it makes to our diverse landscapes. It is a scarce and threatened resource, covering only 2.5% of England's land area. It has a high level of protection in planning policy.

Ancient woodland is defined in the standing advice as follows: -

"Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. It is a valuable natural asset important for: wildlife (which include rare and threatened species); soils; carbon capture and storage; contributing to the seed bank and genetic diversity; recreation, health and wellbeing; cultural, historical and landscape value. It has been wooded continuously since at least 1600AD. It includes: -

- Ancient semi-natural woodland [ASNW] - mainly made up of trees and shrubs native to the site, usually arising from natural regeneration.
- Plantations on ancient woodland sites [PAWS] - replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi"

Government's policy statement on ancient woodland, 'Keepers of Time: ancient and native woodland and trees policy in England' states: "Ancient woodlands, ancient wood pastures and parkland and ancient and veteran trees are irreplaceable habitats which must be protected. Their long-standing presence, species and form serve as a rich cultural record of past management practices".

Planning Policy

The National Planning Policy Framework, paragraph 193, states: "When determining planning applications, local planning authorities should apply the following principles:

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁷⁰ and a suitable compensation strategy exists;"

Footnote 70 defines exceptional reasons as follows: "For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat."

There is no wholly exceptional reason for the development in this location and as such in its current form this application does not comply with national planning policy.

Conclusion

The Trust objects to this planning application due to loss and deterioration of ancient woodland.

The applicant needs to provide clear plans showing the proposed works in relation to ancient woodland, as shown on the Revised Ancient Woodland Inventory, together with an assessment to demonstrate the feasibility of mitigating impacts in the context of the current design parameters.

The application should be considered for refusal unless the applicant is able to provide clear and robust assessment to demonstrate that loss and deterioration can be avoided.

- 5.1 The application has been extended beyond its original statutory determination period in order to enable the applicant to work with those consultees who have raised technical objections, to address their objections as far as they are able.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

Countryside and Rights of Way Act 2000

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 2017, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

The Environment Act 2021

6.2 National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the National Planning Policy Framework (NPPF) was updated and may be read along with the National Planning Practice Guidance (NPPG) as relevant government planning guidance. As is recognised in the NPPF, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF and NPPG are ‘material considerations’ relevant to planning decision making. The NPPF is equally clear that “existing [development plan] 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” (NPPF Annex 1: 232).

A number of NPPF chapters are relevant to the consideration of this application, with the most important being:

- 2 – Achieving sustainable development
- 5 – Delivering a sufficient supply of homes
- 6 – Building a strong, competitive economy
- 8 – Promoting healthy and safe communities
- 9 – Promoting sustainable transport
- 12 – Achieving well-designed places
- 13 – Protecting Green Belt land
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

6.3 The Three Rivers Local Development Plan

The planning merits of the application have been assessed against the policies of the development plan, namely, the Local Plan, including the Core Strategy (adopted October

2011), the Development Management Policies Local Development Document (adopted July 2013), the Site Allocations Local Development Document (adopted November 2014) and the Chorleywood Neighbourhood Plan (adopted 2021) 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 (Development in Key Centres), CP1 (Overarching Policy on Sustainable Development), CP2 (Housing Supply), CP3 (Housing Mix and Density), CP4 (Affordable Housing), CP6 (Employment and Economic Development), CP8 (Infrastructure and Planning Obligations), CP9 (Green Infrastructure), CP10 (Transport and Travel), CP11 (Green Belt) and CP12 (Design of Development).

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 (Residential Design and Layout), DM2 (Green Belt), DM3 (Historic Built Environment), DM4 (Carbon Dioxide Emissions and On Site Renewable Energy), DM6 (Biodiversity, Trees, Woodland and Landscaping), DM7 (Landscape Character), DM8 (Flood Risk and Water Resources), DM9 (Contamination and Pollution), DM10 (Waste Management), DM11 (Open Space, Sport and Recreation Facilities and Children's Play Space), DM12 (Community, Leisure and Cultural Facilities), DM13 (Parking), Appendix 2 (Design Criteria), Appendix 4 (Noise exposure categories for residential development) and Appendix 5 (Parking Standards).

Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020, adopted May 2021). The following policies are relevant to the current proposal: 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 15.

Hertfordshire County Council's adopted Minerals Local Plan 2002 – 2016.

The Waste Core Strategy and Development Management Policies 2011–2026

The Waste Site Allocations Development Plan Document 2011–2026

6.4 Other

Chorleywood Common Conservation Area Appraisal (2010)

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

Three Rivers District Council Housing Delivery Test Action Plan (June 2024)

Three Rivers District Council Housing Land Supply Update (April 2026)

Stage 1 Green Belt Review – Strategic Analysis (2017).

Stage 2 Green Belt Assessment for Three Rivers and Watford Borough (2019).

Stage 4 Green Belt Review (2025)

South-West Herts Local Housing Needs Assessment Update (March 2024).

7 **Planning Analysis**

7.1 Principle of Development – Settlement Hierarchy

- 7.1.1 The Core Strategy sets out the long term spatial vision for Three Rivers, and the strategic policy objectives required to deliver the vision. The Spatial Vision includes priorities to provide growth required to support local communities and provide for their needs in the most sustainable way possible, to locate growth in the most sustainable locations, to improve access to housing and affordable housing and to promote sustainable transport options.
- 7.1.2 The Spatial Strategy looks to focus development within the existing urban area through the development of previously developed land and appropriate infilling within the urban areas of the Principle Town and Key Centres. In this case the application site falls between two areas identified by the Core Strategy as being 'Key Centres' – between the Key Centres of Mill End (to the south-east) and Chorleywood (to the north west). The application site abuts the boundary of the Chorleywood Key Centre, and is separated from the Mill End Key Centre by the M25 motorway.
- 7.1.3 Policy PSP2 in the Core Strategy relates to development in key centres and confirms that Development in Key Centres will focus future development predominantly on sites within the urban area, on previously developed land, contribute to an integrated approach to improve transport including public transport, and provide improved access to healthcare services in Mill End.
- 7.1.4 It is acknowledged that the development subject of this application would provide housing including affordable housing, proposes public transport improvements, provides a new healthcare facility and provides publicly accessible open space and links to the existing footpath network. However, these are delivered in the context of a site which falls outside the Key Centre or any area identified as having development directed toward it within the Spatial Strategy. Therefore, the development of this site would conflict with the Spatial Strategy and PSP2 within the Core Strategy.
- 7.2 Principle of Development – Impact on the Green Belt
- 7.2.1 The application site is located within the Metropolitan Green Belt. Core Strategy Policy CP11 sets out that the Council will maintain the general extent of the Green Belt in the District and will encourage appropriate positive use of the Green Belt and measures to improve environmental quality. There will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.
- 7.2.2 Development Management Policy DM2 notes that “as set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below”. Relevant to this current application is a) New Buildings, which states “Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance”. Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the NPPF, in terms of the exceptions at NPPF154 are not materially different between the two. On that basis, it is considered that Policy DM2 is in accordance with the NPPF and may be afforded full weight. The NPPF is considered to contain national policy and therefore relevant guidance and a relevant material consideration.
- 7.2.3 The NPPF at para 142 states “the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. Para 143 states that Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;

- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 7.2.4 Para 145 states that “Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans. This application does not seek to alter Green Belt boundaries. It proposes development within the Metropolitan Green Belt.
- 7.2.5 Para 151 states that “Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation...”
- 7.2.6 Paragraph 153 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 openness⁵⁵. 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”*.

NPPF Para 154 Considerations

- 7.2.7 Para 154 states “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) 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);
 - g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed used 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 that 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, of for cemeteries and burial grounds; and
 - vi) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.”
- 7.2.8 In respect of paragraph 154, the proposed development does not fall into any of categories a, c, d, or f.

- 7.2.9 The proposal does include land for allotments, and these are indicated on the illustrative masterplan. The site includes a number of parcels of open space and the allotments form one small part of this. Having regard to 154(b) there are no specific concerns in respect of the provision of allotments which may in isolation preserve the openness of the Green Belt and not conflict with the purposes of including land within it. However, the allotments form part of the wider development and must be viewed in this context.
- 7.2.10 In respect of e, the application is not considered to represent 'limited infilling' and is not located within a village, and as such the development would not comply with this exception. Similarly, only a very small part of the site would be previously developed land and the proposal would not comply with exception g on that basis.
- 7.2.11 As regards to categories h(ii) and h(v), whilst the proposed development involves considerable engineering operations and a material change of use, these are primarily associated with and contingent upon the construction of buildings and roads to form the development and not to be undertaken for any other purpose. In any event, the resultant land levels, and built form consequent upon the engineering works on the site, and the use would not preserve openness and would conflict with the purposes of including land within the Green Belt.

NPPF Para 155 Considerations

- 7.2.12 Whilst the development would not be in accordance with Paragraph 154 of the NPPF it is also necessary to consider the development in relation to Paragraph 155 of the NPPF. This sets out '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 framework.
 - d) Where applicable the development meets the 'Golden Rules' requirements set out in paragraphs 156-157.

Grey Belt Analysis

- 7.2.13 In considering whether the site would constitute Grey Belt land, reference must be had to Annexe 2 of the NPPF 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'.

- 7.2.14 In this case, the site is primarily 'any other land', as it is not 'previously developed land'. For it to be considered Grey Belt land, the land needs to not strongly contribute to any of the purposes (a), (b) or (d) of Paragraph 143 of the NPPF. These purposes are:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another; and*
- d) to preserve the setting and special character of historic towns.*

- 7.2.15 In considering whether the application site contributes to the purposes (a), (b) or (d) regard must be had to Planning Practice Guidance (PPG) at Paragraph 005 Reference ID: 64-005-2025022 which provides guidance in relation to informing judgements as to whether land

can be considered as Grey Belt. In addition, Paragraph 007 of the PPG is also relevant and sets out the following:

After consideration of the above criteria, any assessment area that is not judged to strongly contribute to any one of purposes a, b, or d can be identified as grey belt land, subject to the exclusion of land where the application of the policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development.

- 7.2.16 In considering the contribution sites make to purposes a) and b), Planning Practice Guidance is clear that these purposes relate to the 'sprawl of large built up areas. Villages should not be considered large built up areas' and '...merging of towns, not villages'. It therefore becomes necessary to consider whether, for the purpose of this assessment, Chorleywood is a Village as this will influence the consideration against purposes a) and b) above.
- 7.2.17 The application is accompanied by a 'Green Belt Technical Note' which sets out that the site qualifies as Grey Belt. The note (4.13) sets out that Chorleywood is 'not a town both with regards to its function, previous classification and/or character'. From 6.5, the note identifies that the site is on the edge of the village of Chorleywood and that Chorleywood is not a large built up area.
- 7.2.18 The note sets out that other appeal decisions confirm that the classification of a settlement as a town or village is a matter of planning judgement, informed by its scale, range of services and facilities, physical form and findings from previous appeal decisions and plan making evidence. It also confirms that adopted development plan definitions carry the greatest weight in determining a settlement's classification, therefore relying on the Local Plan Proposal's map. It also sets out how the Neighbourhood Plan references Chorleywood as a village. The note concludes that Chorleywood should be regarded as a village rather than a large built up area, and that Rickmansworth is a neighbouring town. It draws comparisons with Abbots Langley, which shares a designation as Key Centre but has previously been identified as a village in appeal decisions (2017). The review (6.14) sets out that only Rickmansworth can be considered a Large Built Up Area and the site is not adjacent to nor directly connected with Rickmansworth, being over 250m from the defined settlement boundary.
- 7.2.19 The application is also accompanied by a Legal Opinion, which confirms that the application has been made on the basis that Rickmansworth is a town and a large built up area, with the site being between Chorleywood and Rickmansworth. The Opinion sets out that it would be difficult to defend the site making a strong contribution to purpose a) in relation to Rickmansworth because whilst near to Rickmansworth, the site is separated from Rickmansworth by the M25 which is a physical feature that could contain development. The Opinion also confirms there is no guidance to decide whether a settlement is a village, but sets out specific matters that it is considered confirm that Chorleywood is a village.
- 7.2.20 In the context of the Development Plan (Core Strategy), Chorleywood is recognised as a 'Key Centre'. Only two settlements are identified as Villages: Bedmond and Sarratt. The Chorleywood Neighbourhood Plan introduction explains that "*Throughout this document we refer interchangeably to the Parish area of Chorleywood as "the Parish", "the Village" or "Chorleywood", and Chorleywood Parish Council as "the Parish Council". The different terms are used depending on the context*". It is considered that the Core Strategy does not define Chorleywood as a Village, and that the Neighbourhood Plan which was published before the definition of Grey Belt was published, uses the term Village interchangeably with other terms and is not determinative as to the status of Chorleywood as being, or not being, a village.
- 7.2.21 In the context of the emerging Local Plan, the Settlement Hierarchy identifies Chorleywood as being a 'Small Town/Large Suburban Settlement'. The Settlement Appraisal confirms 'it

is the largest settlement by area' with services concentrated toward the west, with the eastern part of the settlement reliant on Rickmansworth for services.

7.2.22 The council commissioned a Stage 1 Green Belt review which was completed in 2017 and assessed the whole of the Green Belt in terms of its contribution to the five purposes. Table 2 includes Chorleywood and Rickmansworth as 'large built up areas' for the purposes of Green Belt purpose a). The application site is within land parcel SW9 (as illustrated at Appendix 2), described as having a strong connection to the wider open countryside to the south. The review notes that there are contiguous areas of Green Belt which maintain separation of the towns, with the land between Rickmansworth and Chorleywood more locally assuming significance in this role. It is acknowledged that the review does later refer to Chorleywood as a 'large village'.

7.2.23 The council commissioned a Stage 2 Green Belt review, completed in October 2019, to consider the effect of the release of different areas affects the Green Belt purposes. The application site is within land parcel CH3 (as illustrated at Appendix 2), and occupies less than half of that parcel. The review notes that "Chorleywood is close enough to more contiguous urban development to the east to be considered to constitute part of the large built up area extending out from Greater London". It notes Chorleywood is not considered to be a town but that the open space around it contributes to the overall gap between the towns of Rickmansworth and Little Chalfont.

GB Purpose	Stage 1 Review (Parcel SW9)	Stage 2 review (Parcel CH3)	Stage 4 Review
A to check the unrestricted sprawl of large built-up areas	Contribution (contains Chorleywood)	Significant contribution	Release would be considered significant sprawl of the large built up area. Presence of M25 on eastern boundary prevents sprawl in that direction.
B to prevent neighbouring towns merging into one another	Significant contribution (part of open land between Rickmansworth and Chorleywood)	Relatively significant	Contribution, preventing neighbouring towns of Rickmansworth and Chorleywood from merging.
C to assist in safeguarding the countryside from encroachment	Significant contribution (Maintains openness of land vulnerable to change)	Significant	Significant impact
D to preserve the setting and special character of historic towns	Contribution (to northerly setting of the conservation area)		Limited
E to assist in urban regeneration, by encouraging the recycling of derelict and other urban land	Limited		Limited
Overall contribution to GB purposes	Significant	Moderate-High	

7.2.24 The Stage 4 Green Belt review confirms how the Stage 2 review defined areas, stating "In terms of defining the large built-up areas, the Stage 2 GBR remained consistent with the Stage 1 GBR – identifying Rickmansworth, Chorleywood, Northwood, Croxley Green,

Watford, Hemel Hempstead and Bushey. However, it also expanded the list of areas considered, noting ‘some settlements such as Loudwater, South Oxhey etc.. that are close enough to more contiguous urban development within the settlements outlined above to constitute part of the large built-up area extending out from Greater London.’ Table 3 of the same report confirms the assumption that Chorleywood is a large built up area/town. Table 4 confirms that using ONS settlement classifications, Chorleywood is a large village/small town but the supporting text does suggest there is some ambiguity.

7.2.25 Chorleywood contains a considerable range of facilities, including various shops, offices, healthcare services, bus stops, railway stations, multiple schools, cafes and restaurants. When compared to Sarratt and Bedmond, two settlements defined as Villages in the current Core Strategy, it is considerably larger, better connected to other areas, has a wider range of shops and facilities, and a larger population. It is acknowledged that there are two ‘parts’ to Chorleywood. The first is the central area around Lower Road and the station, and the two conservation areas. Separated by the Common is the second part, generally comprising residential dwellings which are contiguous with the settlement of Rickmansworth, and adjacent Mill End. Were it not for these administrative boundaries, there would be no perceivable difference between being in Rickmansworth, and being in Chorleywood when travelling, for example, along Chorleywood Road or Berry Lane. On the basis of the above, for the purposes of this assessment and having regard to the scale of the area, the amenities and services it contains, and its relationship with its surroundings it is not considered that Chorleywood is a village.

7.2.26 a) to check the unrestricted sprawl of large built-up areas: Planning Practice Guidance sets out illustrative features that may suggest whether a site makes a strong, moderate or weak contribution to this purpose. The text is included in the table below, and includes officer’s consideration.

Contribution	Illustrative Features	Officer Commentary
Strong	Assessment areas that contribute strongly are likely to be free of existing development, and lack physical feature(s) in reasonable proximity that could restrict and contain development. They are also likely to include all of the following features: - be adjacent or near to a large built up area	Site contains very limited existing development. The site is separated from the larger built up area of Mill End/Rickmansworth by the M25. The M25 acts as a clear physical barrier to that large built up area. The proposal would appear to be a sprawl of this built up area beyond the M25 toward Chorleywood. The M25 would stop sprawl from the site to the east (as would the lack of space beyond the M25 to build on) and existing woodland would stop sprawl to the north. Shepherds Lane would stop further sprawl to the south. There is no physical feature restricting/containing development to the east – just hedgerows comparable to those proposed to be removed from within the application site as part of the development. The site/area is adjacent to a large built up area (Rickmansworth, formed by the wider and interconnected areas

Contribution	Illustrative Features	Officer Commentary
	- if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)	of Mill End, Rickmansworth and Chorleywood) Development would appear incongruous, being development on the western side of the M25 where the immediate area to the west of the M25 is open and undeveloped. It would appear as a finger of development, extending the settlement of Rickmansworth to the east into the Green Belt. The site including main community facilities would be accessed from the Rickmansworth direction and relate to Rickmansworth.
Moderate	Assessment areas that contribute moderately are likely to be adjacent or near to a large built up area, but include one or more features that weaken the land’s contribution to this purpose a, such as (but not limited to): - having physical feature(s) in reasonable proximity that could restrict and contain development - be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development - contain existing development - being subject to other urbanising influences	Site is adjacent to/near a large built up area M25 to east and woodland to north would restrict and contain development, but nothing to contain the development sprawling west toward Chorleywood Site is separated from existing development, so new development would result in an incongruous pattern Site contains limited existing development.
Weak	Assessment areas that make only a weak or no contribution are likely to include those that: - are not adjacent to or near to a large built up area - are adjacent to or near to a large built up area, but containing or being largely enclosed by significant existing development	Site is adjacent to/near a large built up area, does not contain or is not enclosed by significant existing development given the extensive open space to the west and south.

7.2.27 The commentary above does not conclude on the contribution to this purpose, but sets out the considerations against the PPG.

7.2.28 b) to prevent neighbouring towns from merging into one another: Planning Practice Guidance is clear that this purpose relates to the merging of towns, not villages.

7.2.29 Planning practice guidance sets out illustrative features that may suggest whether a site makes a strong, moderate or weak contribution to this purpose. The text is included in the table below, and includes officer’s consideration.

Contribution	Illustrative Features	Officer Commentary
Strong	Assessment areas that contribute strongly are likely to be free of existing development and include all of the following features: - forming a substantial part of a gap between towns - the development of which would be likely to result in the loss of visual separation of towns	The site is generally free of existing development. Even if consideration were given to the gap between Rickmansworth and Chorleywood, it is not considered that the site forms a substantial part of the gap, on the basis that there would still remain open land between the two settlements. It is acknowledged that the gap is relatively small, and would be made smaller by this development. The illustrative development would not result in the total loss of visual separation, as there would remain visual gaps between the two areas from Shepherds Lane and Berry Lane. However, it would diminish visual separation because of the spread of built development along Shepherds Lane, and because the northern part of the development would likely be visible if not from Berry Lane, then from wider viewpoints within Chorleywood, resulting in the development appearing to encroach over the hill toward Chorleywood.
Moderate	Assessment areas that contribute moderately are likely to be located in a gap between towns, but include one or more features that weaken their contribution to this purpose, such as (but not limited to): - forming a small part of the gap between towns - being able to be developed without the loss of visual separation between towns. This could be (but is not limited to) due to the presence or the close proximity of structures, natural landscape elements or topography that preserve visual separation	The site is considered to form a small part of the gap. Some visual separation would remain, in part due to the topography and landscape elements that preserve visual separation.
Weak or none	Assessment areas that contribute weakly are likely to include those that: - do not form part of a gap between towns, or - form part of a gap between towns, but only a very small part of this gap, without making a contribution to visual separation	The site does form part of a gap between two towns.

7.2.30 d) the preserve the setting and special character of historic towns. The development subject of this application, and indeed the site, is not considered to form part of the setting of a

historic town and has no important visual relationship with historic aspects of the town. Therefore there is no conflict with this purpose.

Compliance with NPPF155

- 7.2.31 Having reviewed whether the proposal meets the definition of Grey Belt, it is necessary to understand whether there is compliance with the four paragraphs within NPPF155:
- a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- 7.2.32 Planning Practice Guidance states “*In reaching this judgement, authorities should consider whether, or the extent to which, the release or development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way*”. It is acknowledged that a significant proportion of the district is within the Green Belt. The application site extends to some 25.9ha, not all of which would be developed. It is considered that the proposal would result in harm to purpose c) of the Green Belt “to assist in safeguarding the countryside from encroachment”. However, notwithstanding the conclusion of whether the development would utilise grey belt land, it is not considered that the development would fundamentally undermine the purposes of the remaining Green Belt across the area of the plan.
- b) There is a demonstrable unmet need for the type of development proposed*
- 7.2.33 The application proposes the development of residential houses, a care home, medical centre and local centre.
- 7.2.34 The council can only demonstrate a 1.2 year housing land supply, and on that basis alone it is considered that there is a demonstrable unmet need for housing. The application proposes 333 houses, 50% of which would be affordable, and this would go toward the unmet need. In addition the proposed care home would provide for the need evidenced in the South West Herts Local Housing Needs Assessment 2024.
- 7.2.35 In respect of the medical centre, the application includes a letter from representatives of the Gade and Chorleywood Health Centres confirming the current premises are constrained and the practice is exploring opportunities to expand and modernise its accommodation. The Integrated Care Board recognises that Gade House Surgery is very constrained.
- 7.2.36 The application does not evidence a ‘demonstrable need’ for the local centre.
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework.*
- 7.2.37 The applicant has put forward a case that the site is in a sustainable location, commenting on the site being well related to nearby settlements, a range of services and facilities including two primary retail areas within 20 minute walk, strong public transport accessibility by train and bus (including extending bus routes through the site), enhancing active travel routes, a large number of schools nearby and access to local green space. The objections from Hertfordshire County Council as Highway Authority are noted, and the applicant has provided a response to this which is under consideration at the time of writing. Therefore there is no conclusion at this time as to whether the site is ‘sustainable’.
- d) Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157.*

156. Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green

Belt subject to a planning application, the following contributions ('Golden Rules') should be made:

a) affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below

7.2.38 Para 157 requires, in this instance, the affordable housing contribution to be 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%. The scheme includes 50% affordable housing, with a split of 70% social rent and 30% shared ownership.

7.2.39 In relation to the care home element, this does remain a housing use and therefore eligible to provide a contribution toward affordable housing. The Development Plan does not seek contributions from this particular use, and therefore the policy starting point for a contribution is 0%. Having regard to Para 157 and a contribution to be 15% above the highest existing affordable housing requirement which would otherwise apply, this would result in the need for a 15% affordable housing contribution for the care home element. It is considered reasonable that this be secured as a commuted sum, and would be based on £/sqm of 15% of the total habitable floor space of the building.

b) necessary improvements to local or national infrastructure

7.2.40 The application proposes improvements to infrastructure including the provision of a medical facility, the provision of a local centre which will include community facilities, the provision of off-site improvements to the road and public right of way network in the vicinity of the site, improvements to the transport network including routing a bus through the site, the provision of green spaces and the provision of financial contributions toward primary, secondary and SEND school provision and toward NHS facilities.

c) the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces

7.2.41 The development will provide new green spaces that are accessible to the public. These will be within a short walk of the proposed homes and will include cycle routes and walking routes, and play equipment.

Conclusions in respect of Green Belt matters

7.2.42 The above sets out that the proposed development does not meet any of the exceptions to inappropriate development at NPPF154. In respect of NPPF155, it will be necessary first to ascertain whether the development would utilise Grey Belt land. If it does not, the development cannot comply with NPPF155. If it does, it is necessary to consider whether the development meets the requirements of NPPF155.

7.2.43 Separately, it is necessary to consider whether the proposal would meet the Golden Rules at NPPF156 and the appraisal above sets out that the site may well comply, which introduces a NPPF-led requirement to give significant weight in favour of the grant of permission.

7.2.44 If it is considered that the development complies with NPPF155-157, it would be appropriate in the Green Belt. If the development does not comply with NPPF155-157, it would be inappropriate development. In such a circumstance, it is necessary to consider whether very special circumstances exist which outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm. Further information on this is set out at the end of this report.

7.3 Impact on the character and appearance of the area and on the wider landscape

- 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 Policy 2 of the Chorleywood Neighbourhood Development Plan requires all developments to demonstrate how they are in keeping with and where possible enhance the special characteristics of Chorleywood. All development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design. The Chorleywood Neighbourhood Development Plan states that "the Parish's key feature is its 'rural feel'" and that "however you enter or leave the Parish you cannot fail to appreciate the 'rural character Chorleywood has".
- 7.3.3 This application is submitted in outline, with only matters of access for detailed consideration. An illustrative masterplan has been submitted which indicate how the development could be laid out within the site. This includes the location of the main streets within the development, the location of the care home, GP surgery, local centre, houses and open space. The submitted Design and Access Statement provides further details on the illustrative layout, splitting the site into six character areas. This also includes a Design Code for the masterplan, setting out the design intent to reflect the site's rural context.
- 7.3.4 The illustrative masterplan shows how the development would be planned around the retention of the majority of existing trees and hedgerows around and within the site. The masterplan also includes the provision of walking and cycling routes within and through the site, to provide a link from Shepherds Lane to Berry Lane. Interfaces are also proposed between the site and the existing public footpath network.
- 7.3.5 The application is accompanied by a Landscape and Visual Impact Assessment, which appraises the potential effects of the proposed development. It concludes that landscape effects associated with the removal of internal vegetation are offset by retention of high value boundary trees and the delivery of new woodland, hedgerow and other planting. Changes to the landscape character are local to the site and reflect a transition to a settled Green Belt edge character. Effects on the Heronsgate Heights Landscape Character Area would be limited, and effects on Green Belt openness are localised to the site. Mitigation measures are embedded into the illustrative design, including proposed planting, the location of open spaces, longer term landscape and ecological management.
- 7.3.6 Comments have been received from the council's Urban Design consultant, and Landscape Consultant, regarding the illustrative layout of the proposal and the potential landscape impacts. The applicant has reviewed these, and provided some response and some queries. These remain under consideration.
- 7.3.7 Ultimately, this application is submitted in outline with only access to the site for detailed consideration. This application does not consider Appearance or Layout (which are reserved for consideration at a later date and as part of a future formal submission in the event outline planning permission is granted).

7.4 Affordable and Specialist Housing

- 7.4.1 Core Strategy Policy CP4 states that in order to increase the provision of affordable homes in the district and meet local housing need, the council will seek an overall provision of around 45% of all new housing as affordable housing, incorporating a mix of tenures. All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing. As a guide, 70% of affordable housing would be social rented and 30% intermediate.
- 7.4.2 For a major planning application such as this, it would be expected that all affordable housing is provided on site. This is reflected in Policy CP4 and the Affordable Housing SPD. This application proposes the delivery of up to 333 houses, of which 50% (167) will be secured as affordable housing. This is in excess of the 45% policy requirement which would equate to 150 affordable homes. The submission sets out that of the affordable housing 70% will be social rent, and 30% intermediate. The remaining 166 dwellings will be market dwellings. This proposed affordable housing level would exceed the 45% requirement of Core Strategy Policy CP4 (which would require 150 affordable dwellings), therefore providing 17 affordable dwellings over the policy requirement.
- 7.4.3 Policy 4.3 of the Chorleywood Neighbourhood Plan states that “*Sites of 10 or more dwellings should include dwellings suitable for elderly / disabled persons or smaller dwellings suitable for first time buyers / downsizers*” and Policy 4.4 states “*Sites for 50 or more dwellings must include at least 40% of dwellings suitable for elderly / disabled persons and smaller dwellings suitable for first time buyers / downsizers*”. In response, the application proposes 50% of all houses to be secured as affordable housing.
- 7.4.4 The application also proposes a 66 bed care home which ensures the development provides bed spaces specifically catered for elderly persons (as required by the Chorleywood Neighbourhood Plan). The Affordable Housing SPD states “if the residential accommodation has shared facilities and is not therefore self contained, as in the case of some supported housing and residential care homes, it is regarded as an institutional use and Policy CP4 will not apply”. On that basis, subject to the proposed care home being secured to operate within Use Class C2 (Residential institutions - Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres), Policy CP4 does not apply to this part of the proposed development.
- 7.4.5 The proposal would therefore exceed the requirements of Policy CP4 in providing affordable housing in excess of the basic policy requirement.

7.5 Housing Mix

- 7.5.1 Policy CP3 sets out that the Council will require housing proposals to take into account the range of housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. However, the most recent version of the Local Housing Needs Assessment (LNHA) was finalised in 2024 and is the most recent update to the SHMA. The recommended mix for Three Rivers in terms of market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:

	1-bed	2-bed	3-bed	4+ bed
Market Housing	4%	21%	42%	32%
Proposed Market Housing in this app	0	8%	60%	32%
Affordable Home Ownership	19%	39%	30%	13%
Social / Affordable Rented Housing	20%	32%	35%	12%
Proposed Affordable Housing in this app	0	31%	66%	3%

- 7.5.2 The housing mix is not a matter being determined at outline stage and would be determined at Reserved Matters stage. However, it is noted that the applicant has confirmed the affordable housing would be delivered as 52x two-bed homes, 110x three bed homes, and 5x four-bed homes.
- 7.5.3 It is noted that the scheme does not propose any one bedroom properties. The Housing Development Officer has reviewed the proposed housing mix and confirms "Housing Services would be generally supportive of the proposed development, noting that it provides a good mix of family-sized homes and that 70% of the affordable housing is proposed as social rent, with the remaining 30% as affordable housing. This approach aligns with identified local housing needs, particularly the demand for larger family accommodation".
- 7.6 Impact of proposal on heritage assets
- 7.6.1 Strategic Objective S10 of the Core Strategy is "To conserve and enhance the historic environment by resisting the loss of, or damage to, heritage assets including important buildings". Core Strategy Policy CP12 states that "in seeking a high standard of design, the Council will expect all development proposals to conserve and enhance natural and heritage assets".
- 7.6.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
"In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"
- 7.6.3 Paragraph 208 of the NPPF advises that:
"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."
- 7.6.4 Paragraphs 212 and 213 of the NPPF state that:
"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."
"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."
- 7.6.5 Paragraph 215 of the NPPF advises that:
"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..."
- 7.6.6 The NPPG advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.

However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

- 7.6.7 DMP Policy DM3 refers to the historic built environment and notes that when assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets. Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.
- 7.6.8 Chorleywood Neighbourhood Development Plan policy 1 states that permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views in to or out of that Conservation Area.
- 7.6.9 Impact on the setting of the Chorleywood Common Conservation Area
- 7.6.10 Chorleywood Common was designated a conservation area in 1976 and was designated for its historic and architectural interest (which originates from the open rural nature of the Common and the integration of the built form surrounding it). Historically the common has been used for grazing land used by the commoners for the exercise of their common rights of pasture and to harvest wood. The existence of trees and scrub land contrasts strongly with the appearance of the Common in past centuries when the area would have been free of such greenery. The character appraisal notes "The built form located along the fringes of the Common is considered to be subservient to the vast expanse of the Common, thus, maintaining the open and rural character of the Conservation Area". The appraisal sets out that "the overwhelming character of the Chorleywood Common Conservation Area is rural, centring around an open common".
- 7.6.11 The site is immediately south of Character Zone C which covers part of Chorleywood Bottom and the lower edge of the Common. The appraisal sets out that the architectural style is predominantly 20th century with large modern houses running along Berry Lane. It states that on the whole, these buildings cannot be seen from the Common as they are shielded by woodland. It confirms that many of the roads in this zone retain the 'rural' character of the Conservation Area, with open field systems and established hedgerows.
- 7.6.12 DM Policy DM3 states that "permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views into or out of that Conservation Area".
- 7.6.13 The submitted Heritage Statement acknowledges that there is intervisibility from the common toward the site, but that this is not a prominent view and intervening residential development is present. It acknowledges there will be change within the conservation area's wider setting, but considers the change affects a small part of a much wider setting and that areas contributing the most would remain unaffected. The statement concludes there would be no harm to the significance of the conservation area.
- 7.6.14 Initial comments from the conservation officer requests further information in respect of the impacts on the conservation area, particularly in views from Chorleywood Bottom just north of the railway bridge. This further information has been provided by the applicant and is under consideration by the conservation officer.
- 7.6.15 Impact on the setting of the nearby Listed Buildings and Locally Important Buildings
- 7.6.16 There are a number of listed buildings close to the site, but no listed buildings directly adjoin the site. Approximately 500m to the west of the site is the Grade II* listed Kings John's Farm, Penn Cottage, Penn Farm and Garden Wall. As a result of the separation distance and the presence of intervening woodland, there is no intervisibility between the two sites. The submitted Heritage Statement identifies no harm to significance. The conservation

officer confirms the proposal would have an acceptable impact on the significance of the Grade II* buildings.

- 7.6.17 The conservation officer has considered the potential impacts on Dapplemere (Shepherds Lane, a locally listed building over 500m west of the site) and considers there is no historic connection and limited scope for intervisibility with the site, and the proposal would have an acceptable impact on this building.
- 7.6.18 In respect of the building south of Berry Lane at West Clayton Business Centre, the conservation officer notes the site only makes limited contribution to its significance and the impact is likely to be acceptable
- 7.6.19 In respect of the on-site buildings, the conservation officer notes the proposal would result in the complete loss of the original Farmhouse and barns and notes that these buildings may have relevant characteristics that qualify them for inclusion as locally important buildings. Further information has been received from the applicant in this respect, and remains under consideration by the conservation officer.
- 7.6.20 Impact on Archaeology
- 7.6.21 In respect of Archaeology the application is accompanied by an Archaeological Desk Based Assessment. This concludes that the site is considered to have a high potential for post-medieval and modern remains, medium potential for prehistoric and medieval archaeological remains, low to medium potential for Roman remains and low potential for early medieval remains.
- 7.6.22 The Historic Environment Advisor notes very few archaeological investigations have been carried out in the area, and the closest from 2009 during the M25 widening revealed Neolithic pottery, Iron Age pits ditches and field boundary, and late Iron Age/early Roman hearth debris. They note the site is topographically suitable location for settlement and that the development should be regarded as having the potential to have an impact on heritage assets of archaeological interest. These can be protected through condition, including securing a geophysical survey of the area before works take place, field evaluation, and any mitigation measures required by that evaluation. Subject to condition, no objections are raised in respect of archaeological implications.

7.7 Highways Impacts

- 7.7.1 Core Strategy Policy CP10 relates to Traffic and Travel, and states that Development proposals will be expected to contribute to the delivery of transport and travel measures identified as necessary for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision for interchange and access by public transport, walking and cycling will be regarded as particularly important. The policy explains that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Clearly the development subject of this application is specifically designed to cater for travel by motor vehicle.
- 7.7.2 Policy CP10 states that Development will need to demonstrate that it provides a safe and adequate means of access, is appropriate in scale to the existing transport infrastructure and where necessary infrastructure can be improved. It is necessary for the impact of the proposal on transport to be fully assessed through a comprehensive Transport Assessment.
- 7.7.3 The NPPF at para 115 sets out that in assessing...specific applications for development it should be ensured that

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and
d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach

- 7.7.4 Paragraph 116 states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios”.
- 7.7.5 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.
- 7.7.6 Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Development will need to demonstrate that:
- i) It provides a safe and adequate means of access*
 - j) It is appropriate in scale to the existing infrastructure...*
 - k) It is integrated with the wider network of transport routes...*
 - l) It makes adequate provision for all users...*
 - m) It includes where appropriate, provision for public transport either within the scheme or through contributions*
 - n) The impact of the proposal on transport has been fully assessed...*
 - o) The proposal is accompanied by a draft Green Travel Plan*
- 7.7.7 Policy 10 of the Chorleywood Neighbourhood Development Plan requires developments of 10 or more dwellings to provide satisfactory information and proportionate evidence which demonstrates that the development is or could be practicably made accessible to Chorleywood station and environs around Lower Road by safe pedestrian and cycle routes. Policy 15 states that existing public rights of way and means of public access will be protected and where possible enhanced by any development.
- 7.7.8 The Transport Assessment accompanying the application includes an accessibility audit, which sets out the site is 1.4km from Chorleywood centre and 2.5km from Rickmansworth. There are 6 primary schools within 2.6km of the site. The site has public rights of way in close proximity, including around the eastern and northern sides. The site will include access to those routes. The proposal will provide an alternative route to the LCWIP’s Route 14 between Chorleywood and Mill End. In respect of busses, the development anticipates S106 contributions to fund alternate bus routes for the R1 and R2 busses to turn into the site, to increase frequency to one an hour for the R1 from one every two hours, to increase the duration of the R1 service from 7.5 hours to 11.5 hours and the duration of the R2 service from 5 hours to 9. It would also introduce Saturday running for the R1. The development accounts for providing cycle storage for Beryl or Brompton bikes, and two car-club vehicles on a three year rolling contract.
- 7.7.9 At the time of writing HCC as Highway Authority (HA) have recommended refusal of this application on highway grounds. Their full comments are set out at 9.8 below. The HA note that the site is between Rickmansworth and Chorleywood, but closer to facilities of Chorleywood. They note that whilst the straight line distance between the site and Chorleywood is short, there are concerns about the nature of the routes to Chorleywood. It is necessary to use Shepherds Lane or Berry Lane, which are both considered to be unsuitable to be utilised as principle access routes into Chorleywood. They acknowledge the proposed upgrades to the PROWs in the area, but consider the inherent constraints of

the network including width, gaps and the physical environment mean they would not be viable walking routes. There are also concerns that access for vehicles from the Chorleywood side of the development could lead to conflicts because of the semi rural nature of Shepherds Lane and Berry Lane, and concerns for residents accessing the site from Chorleywood. They consider that despite the bus improvements proposed, private car would be a more favourable option for short trips. Following receipt of these comments, the applicant has prepared a response and this is being considered by the Highway Authority.

7.7.10 National Highways have raised no objections to the proposal in respect of any impacts on the strategic road network.

7.7.11 Transport for London have reviewed the submission and have no comments to make.

7.8 Vehicle Parking

7.8.1 Development Management Policy DM13 requires development to make provision for parking in accordance with the parking standards and zone based reductions set out in Appendix 5.

7.8.2 As previously noted, this application is submitted in outline with matters of access for consideration. The site's layout would be considered at a later date as a reserved matter and it is expected that the proposed car parking layout and provision would be dealt with at that time.

7.9 Impact on amenity of neighbouring occupiers

7.9.1 Paragraph 135 of the NPPF advises that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.9.2 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities.

7.9.3 The application is submitted in outline, with matters of access for consideration. However, the application is accompanied by an illustrative masterplan which suggests a form of development where a significant buffer distance could be maintained between the nearest neighbouring residential properties (fronting Berry Lane) and the built form within the application site. This matter would be considered in detail at the reserved matters stage but it is considered that in principle the development could be laid out to ensure no adverse impact on the amenities of neighbours in respect of privacy or overbearing/visual impacts.

7.10 Pollution – Air Quality

7.10.1 Paragraph 187 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

7.10.2 The NPPG provides guidance as to when air quality would be relevant to a planning decision. In summary, it states that when reviewing the specific issues to be considered when assessing air quality impacts, consideration would be given to whether the development would:

- Lead to changes in vehicle related emissions, through providing EV charging infrastructure or significantly changing traffic volumes, speeds or both, or significantly changing traffic composition on local roads;
- Introduce new point sources of air pollution (eg furnaces);
- Expose people to harmful concentrations of air pollutants.

7.10.3 In relation to air quality, Policy DM9 of the Development Management Policies LDD (adopted July 2013) advises that development will not be permitted where it would:

- Have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or
- Be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.

7.10.4 It is noted that the application site is adjacent to the M25 motorway, which runs to the immediate east of the site. The application has been accompanied by an Air Quality Assessment (AQA) which acknowledges that the site's air quality is mostly influenced by road traffic emissions. The AQA considers the impacts at both the construction phase and operational phase. In respect of the construction phase, planning conditions can be used to secure mitigation to reduce impacts of air pollution on residents of adjoining sites. In respect of the operational phase, the development is considered to have a negligible impact. In terms of future exposure of occupants of the development, the modelling shows no risk of exceedances at the site.

7.10.5 The Environmental Health Officer has reviewed the AQA and is satisfied with the conclusions drawn for the operational aspects of the report, and has no further questions nor the need to request any specific planning conditions.

7.11 Pollution – Noise

7.11.1 Paragraph 187 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

7.11.2 Policy DM9 sets out that planning permission will not be granted for development has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development, has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation.

7.11.3 The application is accompanied by a Noise Impact Assessment. This was informed by an environmental noise survey with measurements undertaken over a 5 day period in three locations to establish baseline noise levels. The assessment sets out the acoustic design measures used to reduce noise impacts. These include using a buffer zone to separate the development from the M25, the use of noise barriers, orienting buildings to provide screening to other properties and amenity areas, and designing the building envelope to ensure appropriate conditions for residential amenity.

7.11.4 The application is submitted in outline, and therefore there is no final layout or appearance under consideration. This means there is no fixed location for the proposed buildings, nor fixed design for the development. However, the assessment is based on assumptions of the building facades including the wall construction material, and the type of windows, and ventilation systems. It also suggests specification for garden fences and sets out that subject to compliance with these, noise would be within acceptable levels. Should noise

mitigation measures lead to overheating in the context of Part O of the Building Regulations, measures are specified to address this.

- 7.11.5 Subject to the design, it is considered that the site could be occupied with suitable acoustic conditions for occupation/use of all the buildings on site.

7.12 Pollution – Light

- 7.12.1 Policy DM9 sets out that development proposals which include external lighting should ensure that proposed lighting schemes are the minimum required for public safety and security, that there is no unacceptable impact on neighbouring or nearby properties or the surrounding countryside or wildlife.

- 7.12.2 No details of lighting have been provided, because this is an outline application. The impacts of any lighting, on the character and amenity of the area and on wildlife, would be considered as part of a Reserved Matters application in the event outline permission is granted.

7.13 Pollution – Land Contamination

- 7.13.1 Policy DM9 states that the Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated where the Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land, and there will be no adverse impact on the quality of local ground water or surface water quality.

- 7.13.2 The application is accompanied by a Phase I Geo-Environmental Risk Assessment. This concludes that the presence of significant contamination sources is considered unlikely, but due to the site's use, the presence of localised residual contamination is anticipated. A historic landfill has been identified which may represent local source of ground gas and contamination. The overall risk is considered to be low. The Assessment sets out a series of recommendations, including undertaking intrusive investigations, risk assessments for construction and maintenance work, asbestos surveys, watching brief during development to identify unanticipated contamination, and consideration of soil/material retention/re-use.

- 7.13.3 The Assessment has been reviewed by the Environmental Health Officer. They consider that contaminated land matters can be dealt with by suitably worded planning conditions which could secure a risk assessment to investigate potential plausible contaminant linkages, with more detailed follow-on risk assessments if needed, remediation options appraisal, and remediation verification report.

7.14 Impact on Wildlife, Biodiversity and Agricultural Land

- 7.14.1 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.

- 7.14.2 Paragraph 187 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 7.14.3 Footnote 65 states “Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”.
- 7.14.4 Paragraph 185 of the NPPF advises that to protect and enhance biodiversity and geodiversity, plans should: *b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*
- 7.14.5 Policy CP1 of the Core Strategy (adopted October 2011) advises that; “all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to” (amongst other things) (f) “protect and enhance our natural, built and historic environment from inappropriate development and improve the diversity of wildlife and habitats”. Policy CP9 of the Core Strategy (adopted October 2011) advises that; “The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces”.
- 7.14.6 Policy DM6 of the Development Management Policies LDD advises that development should result in no net loss of biodiversity value across the District as a whole.
- 7.14.7 The applicant has submitted an Agricultural Land Classification report which concludes the land is Grade 3B and 4 land which is not considered best and most versatile land.
- 7.14.8 In respect of mandatory Biodiversity Net Gain, the submission includes Biodiversity Net Gain calculations which detail that the development would result in a 29.6% decrease in habitat units and 19.3% increase in hedgerow units. Mandatory BNG will therefore be met via off-site credits in addition to on-site gains. The gain is achieved with the creation of both on-site and off site habitats. Herts Ecology have reviewed the proposed BNG, and have requested further information.
- 7.14.9 In respect of other ecological matters, Herts Ecology have requested further information in respect of impacts on the local wildlife site and ancient woodland and further information on protected species.
- 7.15 Impact on trees and landscaping
- 7.15.1 As previously noted, this application is submitted in outline with landscaping a reserved matter. Nevertheless, the application includes illustrative landscaping details within the proposed masterplan and Design and Access Statement.
- 7.15.2 Development Management Policy DM6 notes that proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible. It also notes that planning permission will be refused for any development resulting in the loss or deterioration to protected woodland, protected trees, and hedgerows unless conditions can be imposed to secure their protection. It states that where the felling of a tree or hedgerow is permitted, a replacement tree or hedge of an appropriate species, size and in a suitable location will be required.
- 7.15.3 The NPPF sets out at para 193c) that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”.
- 7.15.4 The application is accompanied by an Arboricultural Impact Assessment which confirms that tree removals would be required. This does not detail the total number of trees but includes 15 individual trees and the removal of a section or the entirety of 13 groups of trees. These are a combination of trees located centrally within the site, trees within the Shepherds Lane frontage (note this is not all trees but a limited number). The illustrative

masterplan shows considerable areas where new trees and soft landscaping could be provided.

7.16 Energy Use

- 7.16.1 Paragraph 161 of the NPPF states that “The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.
- 7.16.2 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.
- 7.16.3 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. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.
- 7.16.4 The application is accompanied by an Energy Statement. This sets out the measures that would be incorporated into the development to deliver the energy standard, and includes energy efficient building fabric and insulation, high efficiency double glazing and heating systems including air source heat pumps and low energy lighting. These measures would all ensure the development can meet an approximate 60.3% reduction in CO2 emissions compared to the 2021 Building Regulations requirement. The non-residential elements would also be designed using similar measures. As this application does not seek approval for the appearance or layout of the proposed buildings, it is anticipated that any future Reserved Matters submission would provide full details of the energy efficiency of the proposed buildings and demonstrate their ability to comply with Policy DM4.

7.17 Flood Risk and Drainage

- 7.17.1 Policy CP1 requires all development in Three Rivers to contribute to the sustainability of the District, by minimising flood risk through the use of Sustainable Drainage Systems. Policy DM8 refers to Flood Risk and Water Resources, and states that development will only be permitted where it would not be subject to unacceptable risk of flooding. It also states that Development in all areas should include Sustainable Drainage Systems to reduce surface water runoff.
- 7.17.2 The application has been accompanied by a Flood Risk Assessment and Sustainable Drainage Strategy.
- 7.17.3 The application site is located within Flood Risk Zone 1 (ie lowest risk of fluvial flooding). There are a small number of isolated pockets of potential surface water flooding within the site, with a larger surface water flow identified to the north of the site through Pheasants Wood.

- 7.17.4 The Environment Agency have reviewed the submitted Flood Risk Assessment and GeoEnvironmental Risk Assessment and have confirmed they have no objections, subject to conditions. They note the potential for the farm use to result in sources of contamination being present, and the presence of historic landfill beneath the site which could also cause contamination. They also note the informal storage of waste and chemicals at the site. Planning conditions are recommended to ensure any impacts of these are fully investigated and remediated. These include the need to provide a Remediation Strategy, a plan to deal with any previously unidentified contamination, long term monitoring of groundwater, management of boreholes, the submission of a verification report confirming completion of remediation works, the need for any piling scheme to be agreed before taking place, and the need for a final drainage scheme to be agreed.
- 7.17.5 Affinity Water have reviewed the submitted documents and have confirmed that provided a number of planning conditions are attached, they would have no objections in respect of any impact on the public water supply. These include conditions requiring the submission of a ground investigation and remediation report, risk assessment, foundation works method statement, and details of the design of the surface water drainage scheme.
- 7.17.6 Thames Water have identified that the existing foul water network does not have sufficient capacity to support the proposed development, and require a planning condition that prohibits the occupation of the development until all necessary upgrades to the foul water network to accommodate additional flows from the development have been completed, or a phasing plan for development and infrastructure is in place. Advice is also given to ensure that the development minimises ground water discharges into the public sewer.
- 7.17.7 The Lead Local Flood Authority have reviewed the submitted Flood Risk Assessment and have raised no objection subject to conditions
- 7.18 Refuse and Recycling
- 7.18.1 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
- 7.18.2 Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste Development Plan Documents (DPDs). In particular, these documents seek to promote the sustainable management of waste in the county and encourage Local Planning Authorities to have regard to the potential for minimising waste generated by development.
- 7.18.3 HCC require a Site Waste Management Plan (SWMP) to be submitted which should aim to reduce the amount of waste produced on site. The SWMP must be prepared and agreed in consultation with the Waste Planning Authority prior to commencement of the project. The SWMP must be implemented throughout the duration of the project, from initial site preparation works to final completion of the construction phase. By preparing a SWMP prior to commencement, early decisions can be made relating to the management of waste arisings and building supplies made from recycled and secondary materials can be sourced, to help alleviate the demand for primary materials such as virgin sand and gravel. Early planning for waste arisings will help to establish what types of containers/skips are required for the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste from the site. This can be secured by condition.

- 7.18.4 HCC note the submitted Outline Solid Waste Management Strategy which states a SWMP would be prepared, along with a Construction Traffic Management Plan and Construction Environmental Management Plan, and that overall the strategy provides a good base for the production of a SWMP which should be secured by condition.
- 7.18.5 In relation to minerals, the site falls within the 'Sand and Gravel Belt' as identified in HCC's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. The Minerals Planning Authority would like to encourage the opportunistic extraction and subsequent use of sand and gravel deposits within developments wherever possible. Opportunistic use of minerals will reduce the need to import sand and gravel to the site and make sustainable use of these valuable resources.
- 7.18.6 In respect of domestic waste, it is considered that further details regarding the storage and management of waste on site would be considered at the reserved matters stage.
- 7.19 Infrastructure Contributions
- 7.19.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) Charging Schedule sets out that the charge per sq.m of residential development in this area is £180 (plus indexation).
- 7.19.2 The following infrastructure contributions have been identified by the applicant:
- Contribution toward and initial funding/maintenance of cycle rental scheme
 - £1.75m toward bus services
 - Contribution toward funding a car club
 - Provision of care home with specific servicing specialisms
 - Contribution toward education provision
 - Contribution toward off site highways works
 - Provision of medical centre
- 7.19.3 It is anticipated that Hertfordshire County Council as Local Highway Authority will require contributions and highways works to be secured. Further details will be provided once received.
- 7.19.4 Hertfordshire County Council as Education Authority have calculated that contributions are required toward Primary Education (£6,011,658 toward a new school on land east of Green Street or provision serving the development), Secondary Education (£4,498,255 toward the expansion of Reach Free School), SEND provision (£622,107 toward new SLD school places).
- 7.19.5 In addition the County Council identify the need for a contribution of £41,252 toward increasing capacity at Waterdale Transfer Station.
- 7.19.6 The Hertfordshire and West Essex Integrated Care Board have requested £602,611.80 toward healthcare facilities in the area, in addition to £112,860.36 toward Mental Health services and £117,442.44 toward Community Healthcare.
- 7.20 Referral to Secretary of State
- 7.20.1 The Town and Country Planning (Consultation) (England) Direction 2024 requires Local Planning Authorities to consult the Secretary of State before granting planning permission for certain types of development. These include inappropriate developments in the Green Belt that by reason of their scale or nature or location would have a significant impact on the openness of the Green Belt. In the event that it is concluded that the development subject of this application is acceptable although contrary to the Development Plan, or that

very special circumstances exist which are considered to outweigh the harm to the Green Belt by inappropriateness and any other harm, it would be necessary for the LPA to consult the Secretary of State prior to a decision being issued.

- 7.20.2 Furthermore, The Town and Country Planning (Consultation) (England) Direction 2026 states that “Where a local planning authority proposes to refuse an application for planning permission to which this Direction applies, the authority must consult the Secretary of State before determining the application”. This is applicable to applications for planning permission which include the provision of 150 or more houses. The Local Planning Authority must not determine the application until at least 21 days after the date on which notice is given to the Secretary of State. The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in an application under section 77 of the Town and Country Planning Act 1990. If a planning application is called in, the decision on whether or not to grant planning permission will be taken by the Secretary of State.

7.21 Benefits of the Scheme

- 7.21.1 The submitted Planning Statement sets out the benefits of the scheme which are summarised below:

- Delivery of up to 333 houses, providing a significant contribution to reducing the housing shortage and particularly in light of the government’s intervention in the local plan.
- Delivery of 167 affordable housing units, with a policy compliant tenure mix.
- Delivery of a medical centre (delivered to shell with utility connections) to provide primary medical services to the area.
- Delivery of a care home with 66 beds
- Financial contribution toward enhancing R1 and R2 bus service, including extending the routes into the site, increasing frequency and hours of operation.
- Provision of on site public open space, cycle routes and footpaths, providing links from Shepherds Lane to Berry Lane
- Highway improvements, including a car club, bike rental, traffic calming on Shepherds Lane, improvements to rights of way, provision of new lighting and surface upgrades.
- Community benefits, including car club, café/retail building with community room, improved bus connectivity.
- Economic benefits, including at the construction phase, an increased population to use local services, and the delivery of approximately 48FTE jobs.
- Biodiversity Net Gain via off-site habitat enhancement

- 7.21.2 The benefits of the scheme, including those set out above and any other identified benefits, would need to be considered by the decision maker. These would need to be balanced against any identified harms.

7.22 Tilted Balance and Planning Balances including Very Special Circumstances (Green Belt), Public Benefits (Heritage)

- 7.22.1 As part of the decision making process, there are various planning balances that must be undertaken by the decision maker. Whilst summarised in the title above, these are also explained in the relevant part of this report (for example, the need to consider very special circumstances is explained at the end of the Green Belt section of this report).

- 7.22.2 In respect of the tilted balance, the Council can only demonstrate a 1.2 year housing land supply. As a result, the policies that are most important for determining the application are deemed to be ‘out of date’ and the tilted balance at paragraph 11 of the NPPF applies:

For decision-taking this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.22.3 In respect of d) i. the NPPF sets out that the policies referred to (that protect areas or assets of particular importance) include those relating to land designated as Green Belt, and designated heritage assets.
- 7.22.4 As part of the assessment of the proposal, it will be necessary to identify which policies are most important for determining the application, and the weight to be attributed to them notwithstanding that they may be considered out of date. It would then be necessary to undertake an assessment under i or ii above.
- 7.22.5 When undertaking this individual assessment in the context of two linked appeals scheme at Sarratt for a total of 92 new houses and a doctors surgery on two sites off Church Lane in Sarratt, the Inspector made the following observations about the general position of the District in the context of paragraph 11(d) of the NPPF:

94. The relevant legislation requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The current five year housing supply situation is pressing and acute. The very great need for housing is persistently going unmet. The existing development plan is simply not delivering anywhere near the requisite amount of housing of all types. The Council accepts that the need cannot be met purely within existing settlement boundaries and that significant Green Belt land will need to be built on to meet this unmet need. These circumstances mean inevitable adverse consequences for the openness of the Green Belt, its purposes, and in terms of landscape and visual effects. I consider a plan-led approach to development is certainly desirable, but in this instance, there seems little prospect of a timely plan-led remedy. The overwhelming deficiency in the five year housing supply needs to be addressed as a matter of urgency, rather than waiting for the adoption of a new local plan.

100. However, the Council cannot demonstrate a five year supply of housing, and so the most important development policies are deemed out of date. It is quite clear that the strict application of these policies, especially 'place-shaping' or spatial policies such as Policy PSP4, as well as Policy CP4 on affordable housing, is not leading to sufficient housing of all types being provided in accordance with the Framework, and are restricting development. The overwhelming lack of supply diminishes the weight that can be attached to any conflict with these policies. The demonstration of very special circumstances amounts to powerful material considerations justifying departing from the development plan.

101. The severe housing shortfall attracts very substantial weight in favour of granting permissions for the proposals, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. I am satisfied that none of the reasons put forward for opposing these proposals establishes that the harm would significantly and demonstrably outweigh the benefits. Therefore, notwithstanding any conflict with development plan policies, it follows that both appeals should succeed, subject to conditions. I deal with the conditions below.

- 7.22.6 In respect of the Planning Balance it will be necessary for the decision maker to take account of the material planning considerations to the case, and balance any adverse impacts of the development against the benefits put forward by the applicant (see section above) and any other identified benefits. Any adverse impacts are likely to primarily be identified as part of an assessment of the proposal against the statutory development plan and other material planning considerations. These would need to be weighed against the benefits which may also be identified as part of the assessment.
- 7.22.7 As part of a full assessment of the scheme to be presented at a later date, the full extent of any harm arising from the scheme would be identified, and this would be balanced against the benefits of the scheme to enable a recommendation to be made as to whether planning permission may be granted or not.
- 7.23 Site Visit
- 7.23.1 It is noted that this development is of a considerable size and scale, impacting a large area of undeveloped land which is designated as Green Belt, and is in close proximity to a conservation area. On that basis, it is recommended that Members agree to a site visit being arranged prior to the application being presented to Committee for a decision, to ensure Members have the opportunity to view the site and understand its topography and how it relates to its surroundings.

8 Recommendation

- 8.1 That Members agree for officers to arrange a site visit prior to this application being presented to Planning Committee for a decision.
- 8.2 There is no recommendation for a decision to be made at this stage in the consideration of the application. Consequently, it is recommended that the Committee notes the report, and is invited to make general comments with regards to the material planning issues raised by the application.

9 Appendix 1: Consultation Responses

9.1 Active Travel England (March 2026): [Comment received]

Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application. Our standing advice can be found here: <https://www.gov.uk/government/publications/active-travel-england-sustainabledevelopment-advice-notes>

9.2 Affinity Water (March 2026): [Comment received]

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone 1 (SPZ1) which corresponds to our abstraction boreholes (CHOR) for public water supply.

Provided that the below conditions are implemented and it has been demonstrated that public water supply will not be impacted, we would have no objections to the development.

Contamination through Ground Works:

If any works involving excavations are necessary, then the following condition needs to be implemented:

Condition 1

Prior to the commencement of the development, no works involving excavations (e.g. for foundations (e.g. piling), drainage (e.g. infiltration), geothermal system etc.) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- A Remediation Strategy/Report if found to be needed following the results of the intrusive investigation detailing how contamination (if found) will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.
- A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity generation from groundworks.
- A Foundations Works Method Statement and Risk Assessment detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.
- Acknowledgement of the need to notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

Reason: Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants through displacement to a greater depths and turbidity generation. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply.

Contamination during construction:

Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should cease immediately and appropriate monitoring and remediation will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

Condition 2

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

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

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

Contamination through Surface Water Drainage:

Surface water drainage should use appropriate Sustainable Urban Drainage Systems that prevent the mobilisation of any contaminants where a direct pathway to the aquifer is present. This should use appropriate techniques that prevent direct pathways into the aquifer and that ensure sufficient capacity is provided for all surface water to be dealt with on site, preventing consequential flooding elsewhere. Infiltration methods, particularly deep bore soakaways, within SPZ1 should be avoided, but if proposed should be accompanied by a risk assessment on the potential impact to the abstraction point, and an appropriate number and type of treatment stages proposed to mitigate the risk. If we are not satisfied with the submissions, we will withhold our condition discharge recommendation.

Condition 3

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

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

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

Issues arising from any of the above can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

Informative

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a

standard suitable for drinking and will help in our efforts to get emissions down in the borough.

9.3 Chorleywood Parish Council (received 17 March 2026): [Objection]

Below are the Parish's initial comments on the application pending a full assessment by the Committee at its Extraordinary Planning Committee on 25th March.

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

Green Belt

The site is in the Green Belt. The Three Rivers Stage 4 Green Belt Review makes clear that this site is not grey belt and is an area of fundamental importance to the wider Green Belt. As such, this site is protected by NPPF Paragraph 11 b) i). It should be noted that, despite the developers' contention that Chorleywood is a village, the settlement is categorised as a town under the Settlement Hierarchy and Green Belt Policies agreed by TRDC and this is supported by ONS and Government analysis.

Travel & Transport

The proposed site is not sustainable from a travel and transport perspective for the following reasons:

Access to the site is via two single track lanes (Shepherds Lane and Berry Lane), both of which have very narrow elements that often struggle with existing traffic. Neither of these roads have pedestrian pavements and, through the narrow sections, do not provide sufficient width for a vehicle to pass a pedestrian or cyclist whilst providing the space required by the Highway Code.

Shepherds Lane is to be designated as a Quiet Lane under the Local Cycling and Walking Infrastructure Plan, which would make increasing vehicular traffic using this route incompatible with that Plan.

The site is a 23-minute walk from the local shopping area, health facilities and station; well outside the desired requirement for new sites to accord to the principles of 20-minute neighbourhoods. This is exacerbated by the fact that all routes of less than a 40-minute walk require the use of narrow unlit single-track lanes, of the nature described above, for the vast majority of the journey.

If, as is likely, residents of the site were to drive to the local facilities, they would find that there is limited parking that is already fully utilised. This is likely to be worsened if part of the Chorleywood Station car park is developed (this is already a site in the new Local Plan).

The site includes a public right of way (Chorleywood 30) which runs from The Queens Drive to Berry Lane, and it will be vital that this right of way is protected, including providing space around it in line with the policies of the new Local Plan.

A full Transport Assessment has been commissioned and will be provided in due course.

Ecology

There are several Tree Protection Orders (TPOs) across the site:

to the south of the site bounding Shepherds Lane there are 11 individual tree TPOs, along the driveway to the main farm complex, there is a group of trees (5 Oak, 5 Ash and 1 Wild Cherry) covered by a Group TPO

towards the north of the site there is an area TPO.

Development of the site is likely to have a negative impact on these trees. It should be noted that parts of the woodland adjacent to the site is classified as ancient woodland and this would need protecting.

Red-listed species of birds protected under the Wildlife and Countryside Act 1981 have been recorded in the vicinity and are likely to be breeding on it. Development of the site is

very likely to have a significant negative impact on them and could result in the removal of a badly needed nesting site.

Human Environment

Proximity to the M25 is likely to result in negative impacts on residents from noise and potentially poor air quality. Mitigations to these would be likely to be required to be provided. There are reports of historic asbestos contamination of the site which need to be fully investigated and potentially addressed before any development could take place. There have also been unconfirmed reports of unlicensed waste disposal at the site, which would need investigating in case this caused further contamination of the site.

Sewage and Wastewater

It is assumed that sewage from this site would be processed at the Maple Cross Sewage Treatment Works. Thames Water have confirmed that these works are at full capacity and are unable to manage the additional sewage and foul water.

Historic Environment

The site is close to, but not in, the Chorleywood Common Conservation area. Whilst the site itself contains no Listed Assets, a full assessment by Conservation Officers is required to consider the impact on Listed Assets in the vicinity of the site and the Conservation Area. There are also views from the Common of the site that need considering in the Conservation Officers assessment.

9.3.1 Chorleywood Parish Council (received 7 April 2026): [Objection]

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

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.

The objection is based on the following:

Green Belt

The site of the development is in the London Metropolitan Green Belt.

Paragraph 143 of the National Planning Policy Framework states that:

“Green Belt serves five purposes:

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

The Three Rivers Stage 4 Green Belt Review, developed as part of the new Local Plan process and approved by the TRDC Full Council on 27th January, makes clear that this site is not grey belt as it makes a strong contribution of Purpose a) and a relatively significant impact to Purpose b). As such the land cannot be considered grey belt as defined under the Planning Practice Guidance for Green Belt.

Paragraph 155 of the National Planning Policy Framework states that:

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

- a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b) There is a demonstrable unmet need for the type of development proposed;*
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*

- d) *Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below."*

The proposals fail to meet these criteria in that:

- As described above, the site is not grey belt.
- The Three Rivers Stage 4 Green Belt Review identifies the area containing the site as an area of fundamental importance to the wider Green Belt due to its *"contribution to purpose (b), preventing the neighbouring towns of Rickmansworth and Chorleywood from merging. This area of Green Belt may be deemed of fundamental importance to the wider Green Belt as it prevents the physical and perceptual merging of these towns. The gap between Rickmansworth and Chorleywood is relatively small compared to gaps between other towns in the context of the Three Rivers Green Belt."* As such, significant development within this area must be considered to fundamentally undermine the wider Green Belt across the area of the plan.
- As covered in Travel and Transport below, the proposed development is not in a sustainable location.

The applicant contends that Chorleywood is a village rather than a town, however, this is not in accordance with multiple authoritative sources:

1. Prior to the creation to Three Rivers District Council in 1974, Chorleywood's local government was provided by Chorleywood Urban District Council. The inclusion of the term "urban" gives clear guidance that Chorleywood was considered to be a town (English Oxford Dictionary; definition of "urban" – "Of, pertaining to, or constituting a city or town).
2. The House of Commons Library research briefing "City & Town Classification of Constituencies & Local Authorities (2018)" classifies Chorleywood as a "Small Town".
3. The Office of National Statistics, in its series of papers on "Understanding Towns in England and Wales", defines a small town as a built-up area having a population of between 5,000 and 20,000. According to the 2021 Census, Chorleywood has a population of 11,710 – well within the parameters set for a Small Town.
4. The Three Rivers Settlement Hierarchy, October 2025, makes clear that Chorleywood is a "Small Town".
5. Stage 4 Green Belt Review, September 2025, lists Chorleywood as a "large built-up area" for Green Belt Purpose a) and a "town" for Green Belt Purpose b).

Like many places which had been villages in the past, residents of Chorleywood do, at times, refer to it as a village. This harking back to more pastoral times and feelings, has no relevance to real analysis and is very common. For example, many residents of Pinner in the London Borough of Harrow, still refer to it as being Pinner Village – to the extent that the Pinner Association's regular magazine is still called The Villager. Nobody would truly consider Pinner a village for any demographic, statistical or planning reason just because of this colloquialism.

The applicant, in their Green Belt Technical Note, refers to the fact that the Chorleywood Neighbourhood Development Plan (NDP), adopted in May 2021, uses the term "village" at times to refer to Chorleywood. However, this ignores the fact that, at that time, the term "village" had no real impact or meaning for planning matters and simply indicates the form of colloquialism referred to above. In April 2025, the Parish Council commenced its required five-year review of the plan. As part of this review, it was identified that the language of the National Planning Policy Framework and Planning Practice Guidance had changed to make the term "village" a practical reference in planning and so the Working Group reviewed whether this language was still appropriate. Referring to the authoritative resources described earlier, it was decided to recommend to the Full Parish Council that, as part of the review, the terminology of the NDP be amended to avoid any confusion by removing the word "village" where it was no longer appropriate. This was approved by the Full Council on 7th October and has subsequently been forwarded to Three Rivers District Council to gain approval to make the changes as a minor amendment.

Having identified that the proposed development is inappropriate development in the Green Belt, we must turn to NPPF paragraph 153 which states that “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.”

As the relevant site is considered to be in an area of fundamental importance to the wider Green Belt (Stage 4 Green Belt Review), the level of benefit would have to be truly significant. Whilst the development will provide new housing for the area, the new Local Plan is currently expected to provide at least 85% of the identified housing need as calculated using the standard methodology. As such the shortfall against the identified housing need is not of such level that would justify building in such a sensitive element of the Green Belt when other sites in less sensitive areas may well come forward to bridge the shortfall. Many of the other benefits stated by the applicant as being delivered by the development are only required due to the development itself. Of those that do relate to the currently existing settlements, these can easily be delivered in other, less sensitive sites.

Travel & Transport

The proposed site is not considered to be sustainable from a travel and transport perspective for the following reasons:

- Access to the site is via two single track lanes (Shepherds Lane and Berry Lane), both of which have very narrow elements that often struggle with existing traffic. Neither of these roads have pedestrian pavements and, through the narrow sections, do not provide sufficient width for a vehicle to pass a pedestrian or cyclist whilst providing the space required by the Highway Code.
- Shepherds Lane is to be designated as a Quiet Lane under the Local Cycling and Walking Infrastructure Plan, which would make increasing vehicular traffic using this route incompatible with that Plan.
- The site is a 23-minute walk from the local shopping area, health facilities and station; well outside the desired requirement for new sites to accord to the principles of 20-minute neighbourhoods. This is exacerbated by the fact that all routes of less than a 40-minute walk require the use of narrow unlit single-track lanes, of the nature described above, for the vast majority of the journey.
- If, as is likely, residents of the site were to drive to the local facilities, they would find that there is limited parking that is already fully utilised. This is likely to be worsened if part of the Chorleywood Station car park is developed (this is already a site in the new Local Plan).
- The site includes a public right of way (Chorleywood 30) which runs from The Queens Drive to Berry Lane, and it will be vital that this right of way is protected, including providing space around it in line with the policies of the new Local Plan.
- Berry Lane already regularly gridlocks whenever there are delays on the M25
- School pupils from Berry Lane going to St Clement Danes are reported to already qualify for free school transport due to concerns over pupils walking or cycling along Berry Lane, Stag Lane and Common Gate Road.

It should be noted that the plans appear to show only one entrance / exit from the site with no alternative access way for emergency vehicles.

It appears that it is proposed to divert the R1 & R2 bus routes to use Shepherds Lane and Stag Lane instead of Long Lane. Due to their size, the buses on Long Lane regularly cause significant delays in the Lane, including preventing an ambulance on blue lights being able to travel south-east down Long Lane. As both Shepherds Lane and Stag Lane are narrower than Long Lane for much of their length, with smaller passing spaces, the proposed diversion is likely to cause significant traffic issues in the area.

A full Travel and Transport Assessment has been commissioned and will be submitted in due course.

Ecology

There are several Tree Protections Orders (TPOs) across the site:

- to the south of the site bounding Shepherds Lane there are 11 individual tree TPOs,
- along the driveway to the main farm complex, there is a group of trees (5 Oak, 5 Ash and 1 Wild Cherry) covered by a Group TPO
- towards the north of the site there is an area TPO.
-

Development of the site is likely to have a negative impact on these trees. It should be noted that parts of the woodland adjacent to the site is classified as ancient woodland and this would need protecting.

Red-listed species of birds protected under the Wildlife and Countryside Act 1981 have been recorded in the vicinity and are likely to be breeding on it. This includes Skylark, Mistle Thrush, Starling, Greenfinch and Linnet. Development of the site is very likely to have a significant negative impact on them and could result in the removal of a badly needed nesting site. It is also likely that House and Tree Sparrows, both red-listed species are present on the site as they have been observed in nearby fields.

According to the applicant's Ecology report, 10 bat species have been recorded on the site. One of the species recorded, the Barbastelle bat, has a conservation status of Vulnerable and is protected in the UK under the Wildlife and Countryside Act, 1981. The presence of the Barbastelle bat has recently been considered of sufficient concern that the major Norwich Western Link Road project was withdrawn.

From the applicant's Ecology report, it appears that no survey of wild plant and insect species, including butterflies, has been undertaken and this should be completed before decision making is undertaken.

Human Environment

Noise experienced at the site from the M25 can be substantial due to the raised nature of the bridges over Shepherds Lane and Berry Lane. The acoustic report suggests that residents will need to be provided with mechanical ventilation so that they can keep their windows closed for the majority of the time (*"Openable windows will not be suitable as the primary means of ventilation but may be desirable as an available option for residents and for purge ventilation and in some locations for overheating mitigation."*).

Whilst the air quality report suggests that harm from air pollution will "not be significant" the model shows that there is poor air quality next to the M25 on the edge of the site. There is growing evidence of the harm to health and well-being from living close to motorways. Even if risks can be mitigated by providing mechanical ventilation to homes this is not an ideal site for housing from a sound pollution and an air pollution perspective.

There are reports of historic asbestos contamination of the site which need to be fully investigated and potentially addressed before any development could take place. There have also been unconfirmed reports of unlicensed waste disposal at the site, which would need investigating in case this caused further contamination of the site.

Thorough soil analysis of the site should be undertaken to confirm whether there is any contamination of the site.

Sewage and Wastewater

Presently the site has only one residential building, so there is no problem with the disposal of wastewater and sewerage from the site. The surface water flood risk is very low (Source: Check your long-term flood risk-GOV.UK). The risk to the site and surrounding area is

the possibility of large volumes of run-off water due to hard landscaping, such as roads, driveways and buildings. The site slopes downhill towards the M25 and along Shepherds Lane. On-site drainage could cope with some of the run-off but, as we have seen over many years, Chorleywood has suffered with floods due to its topography. Further along Shepherds Lane there is another parcel of land that has been put forward for development. This is also for a large number of houses (500+) which will add to the pressure of drainage. The two sites are no more than 100m apart.

Berry Lane already experiences flooding at low points due to run off from this site in combination with other sources, and appropriate mitigation measures should be provided for this.

The nearest wastewater and sewerage treatment facility is Thames Water's Maple Lodge treatment centre at Maple Cross Herts. This is the fifth largest of Thames Water's treatment centres. Unfortunately, this processing plant is operating at full capacity. It was built in the 1950s and 1960s for a much smaller community. A newspaper article about Maple Lodge was published by The Guardian on the 24th February 2026, reporter, Nils Pratley. In it he outlines the problems with over capacity, lack of investment and debt accumulation due to heavy fines imposed on Thames Water. As an example, Thames Water discharged sewerage and wastewater 124 times into the river Colne in 2024. Upstream, Chalfont St. Peter can suffer severe sewerage flooding caused by the slow treatment process. The present situation is bad enough, disastrous would be a better way to describe it. So how would our community and Thames Water cope with an extra 333 homes at Catlips Farm, the proposed 500+ housing estate further along Shepherds Lane, 675 new homes on East Green St. and 1500 new homes in Maple Cross?

In their submission to the LPA related to this application, Thames Water has identified that the existing foul water network does not have sufficient capacity to support the proposed development. As such, they request that the following condition be attached to any planning permission granted:

"The development shall not be occupied until confirmation is provided that either:

- 1. All necessary upgrades to the foul water network to accommodate additional flows from the development have been completed; or*
- 2. A phasing plan for development and infrastructure, agreed with Thames Water and the Local Planning Authority, is in place. Where such a plan exists, no occupation shall occur other than in accordance with the approved phasing schedule."*

Historic Environment

The site is close to, but not in, the Chorleywood Common Conservation area. Whilst the site itself contains no Listed Assets, a full assessment by Conservation Officers is required to consider the impact on Listed Assets in the vicinity of the site and the Conservation Area. There are also views from the Common of the site that need considering in the Conservation Officer's assessment.

Community / Social Facilities

It is proposed that the site will deliver a fully built and delivered Medical Centre with future proofing provision. Details of this will need to be secured by way of a s106 agreement. It is also proposed to deliver a 66-bed dementia care home.

It is proposed that the site will contain community facilities including a central hub with shop, café, community space and children's play area.

It should be noted that, possibly with the exception of the care home, there is no evidence that these facilities are currently required and are only required due to the proposed development of new housing.

The care home would be better developed closer to sustainable infrastructure to support the staff and visitors to the site.

The existing livery stables are a valued community asset which have enabled generations of local people to benefit from equine sports.

9.3.2 Chorleywood Parish Council (received 6 May 2026): [Objection]

A Transport Objection has been submitted by Railton TPC Ltd (dated April 2026). That document is not attached direct to this report but is available to view online via <https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=TA789AQFJW300> and has been taken into account.

It summarises that there are no safe pedestrian routes between the site and Chorleywood, with pedestrians expected to use narrow sections of road with no footway, unlit, bounded by hedgerows. The footpath routes are narrow, steep and lack surveillance. Cycle access toward Chorleywood is poor. Shepherds Lane is unsuitable for services, for example two busses cannot pass, and busses cannot pass light vehicles. Car generation has been underestimated.

9.4 Environment Agency (6 March 2026): [No objections]

Thank you for consulting us on the above planning application on 24 February 2026. As part of the consultation we have reviewed the following submitted documents:

- Phase I Geo-Environmental Risk Assessment, prepared by Roberts, dated July 2025 (ref.: 250511.P1.02);
- Flood Risk Assessment & Sustainable Drainage Strategy, prepared by Fernbrook, dated February 2026 (ref.: 23200-FCE-XX-XX-RP-D-0002).

Environment Agency Position

Considering the information provided, we have no objection to the proposed development given the inclusion of the following conditions on any grant of decision notice. Without these conditions we would object to the proposal in line with paragraph 187 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

The proposed development site's former use as a farm means it could potentially contain sources of contamination. Potential contaminants could be mobilised and impact on controlled waters, specifically groundwater in the underlying Beaconsfield Gravel Secondary A aquifer and the deeper Chalk Principal aquifer, as a result of the proposed redevelopment of the site. The site is located within an Inner Source Protection Zone (SPZ1) associated with an Affinity Water public water abstraction approximately 1.5km south of the site (Mill End).

We note in the submitted Phase I Geo-Environmental Risk Assessment by Roberts, ref.: 250511.P1.02) that there is a historic landfill beneath the site – we have no record of this and would be interested in further detail through intrusive investigation. If there is indeed landfill material beneath the site, infiltration drainage through this infilled material is unlikely to be acceptable here. As such, we do not believe the drainage strategy presented within the submitted Flood Risk Assessment & Sustainable Drainage Strategy Fernbrook (ref.: 23200-FCE-XX-XX-RP-D-0002) has considered this possibility and is therefore potentially invalid.

We also note that there has been some informal waste and chemical storage at the site. It is therefore possible that there could be hotspots of contaminants throughout the site that

will need delineating given the sensitivity of the site. Also, we have not been made aware of the proposed foundation methods and as such cannot rule out piled foundations, which could open preferential pathways for the ingress of said contaminants into sensitive groundwater receptors.

Condition 1 – Remediation Strategy

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the LPA. This strategy will include the following components:

1. an up-to-date Preliminary Risk Assessment (PRA) and conceptual model following the results of an exploratory investigation;
2. a detailed site investigation scheme, based on the results from (1) to provide information for a detailed risk assessment to all receptors that may be affected, including those off-site;
3. a tiered risk assessment using the results of the site investigation referred to in (2);
4. an options appraisal including sustainability and treatability studies of the remediation measures required and how they are to be undertaken.
5. a remediation strategy and verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, mitigation, maintenance and arrangements for contingency action

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons

To ensure that the development does not contribute to, and is not put at, unacceptable risk from adversely affected unacceptable levels of water pollution in line with paragraph 187 of the National Planning Policy Framework. To ensure the development will contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate in line with paragraph 187 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class in the Mid-Chilterns Chalk groundwater waterbody under the Water Framework Directive.

Advice

The submitted Phase I Geo-Environmental Risk Assessment by Roberts, ref.: 250511.P1.02) will satisfy (1). An intrusive investigation to further assess the extent and nature of the potential landfill material and to delineate potential contamination associated with the chemical/waste storage should be undertaken in order to satisfy (2) and enable (3)-(5) if necessary.

We recommend that developers should:

- follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination;
- refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health;
- consider using the National Quality Mark Scheme for Land Contamination Management, which involves the use of competent persons to ensure that land contamination risks are appropriately managed;
- refer to the contaminated land pages on gov.uk for more information.

Condition 2 – Previously Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until further investigation and a remediation strategy detailing how this

contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 187 of the National Planning Policy Framework.

Condition 3 – Long-term Monitoring

The development hereby permitted may not commence until such time as a detailed scheme for groundwater monitoring in respect of contamination has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall, where necessary, be supported by:

- detailed sampling and analytical schedules;
- a programme for future maintenance and decommissioning;
- a schedule for submission of interim and final monitoring reports;
- a contingency action plan including the list of potential mitigation measures that will be implemented, should unexpectedly changes in groundwater quality be noted as a result of decommissioning or redevelopment works.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason

To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long term remediation measures. This is in line with paragraph 187 of the National Planning Policy Framework.

Condition 4 – Investigative Boreholes

The development hereby permitted may not commence until such time as a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the LPA. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post development, for monitoring purposes will be secured, protected and inspected.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the Local Planning Authority.

The scheme will need to include the following:

- Decommissioning Plan to include intended programme/schedule of works and detailed method statement;
- Borehole Retention Plan to include location, security, and protection measures
- Verification report for the decommissioned boreholes to include records of:
 - o the reason for abandonment;
 - o groundwater level prior to decommissioning;
 - o any removal of casing or attempts to remove the casing;
 - o the depth, position, and nature of backfill materials;
 - o problems encountered during decommissioning.

Reason

To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution in line with paragraph 187 of the National Planning Policy Framework.

Advice

Redundant boreholes that are not intended for monitoring should be decommissioned as soon as practicable as to not act as pathways for contaminants – either already present or associated with the construction phase – to migrate to sensitive groundwater receptors themselves.

The decommissioning of boreholes at the site should be undertaken in line with the guidance presented in Good practice for decommissioning redundant boreholes and wells (Environment Agency, 2006) available at the following website: https://webarchive.nationalarchives.gov.uk/ukgwa/20140328084622/http://cdn.environment-agency.gov.uk/LIT_6478_8cbe6f.pdf

You should keep an accurate record of the abandonment details for future reference, including:

- the reasons for abandonment (for example water quality problems);
- measurement of groundwater level prior to backfilling;
- the depth and position of each layer of backfilling and sealing materials;
- the type and quantity of backfilling and sealing materials used;
- any changes made to the borehole/well during the abandonment (for example casing removal);
- any problems encountered during the abandonment procedure.

The location of abandoned borehole and wells should be clearly marked on site records. This is essential where any part of the well has not been filled. It is also good practice to mark or deeply inscribe well caps; even if done crudely it can avoid considerable risk, delay, or uncertainty in the event of the structure being discovered during excavation by others in the future who may not otherwise know what the feature is. Always notify the Environment Agency and British Geological Survey of the abandoned well location and structure.

Condition 5 – Verification Report

Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 187 of the National Planning Policy Framework.

Condition 6 – Piling Scheme to be Agreed

The piling/deep foundation design using penetrative methods hereby permitted by the Local Planning Authority may not commence until such time as a scheme has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall be based on the information submitted as part of the application and, where necessary, supported by:

- a Foundation Works Risk Assessment;
- a conceptual site model;
- specification of the type, number, and depth of proposed piles;
- a detailed groundwater monitoring programme including a schedule for submission of interim and final monitoring reports;
- a contingency action plan including the list of potential mitigation measures that will be implemented should unexpected changes in groundwater quality be noted as a result of decommissioning piling works;
- timing/phasing arrangements.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements contained in the scheme, or any details as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason

To ensure that the proposed development does not harm groundwater resources in line with paragraph 187 of the National Planning Policy Framework and the Environment Agency's approach to groundwater protection.

Advice

We have not been made aware of the confirmed proposed foundation method. Piling has the potential to create preferential pathways, aiding the vertical migration of contaminants towards sensitive groundwater aquifers. Please refer to Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention.

We consider it prudent to include geotechnical investigation within the scope of any further intrusive ground investigation in order to inform foundation design. Continuous Flight Auger (CFA) piling is our preferred piling method, if piling is indeed deemed necessary. If the proposed strata for piles to terminate in is a Principal aquifer, we strongly recommend exploring the feasibility of shallower foundations as much as possible.

If penetrative techniques are indeed to be used during the construction of this development, information to address these issues will need to be included as part of a risk assessment and should consider the following:

- identification of relevant receptors and baseline monitoring;
- determination of contaminants of concern and establishment of trigger values;
- a monitoring strategy to be implemented during and after piling;
- mitigation measures to be implemented should the agreed trigger values be breached.

Within SPZ1, due to the close proximity of potable abstractions, we recommend that weekly monitoring for in-situ groundwater quality parameters, including conductivity and turbidity, should be incorporated into the groundwater monitoring plan as these provide valuable on-site data that can enable rapid decision making with respect to mitigations if required. Monitoring wells installed to support a piling risk assessment should be installed to at least 5m deeper than the deepest piled foundation toe depth to capture any impacts from the proposed groundworks during and post construction.

Condition 7 – Drainage Scheme to be Agreed

The development hereby permitted may not commence until such time as an updated surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the proposed method of managing surface water drainage does not harm groundwater resources in line with paragraph 187 of the National Planning Policy Framework.

Advice

Given the uncertainty of the nature of the ground beneath the site as there is potential for landfill waste material, shallow infiltration as proposed in the submitted Flood Risk Assessment & Sustainable Drainage Strategy Fernbrook (ref.: 23200- FCE-XX-XX-RP-D-0002) is unlikely to be acceptable from a groundwater quality perspective. However, the landfill material may turn out to not be widespread, so the outlined scheme may be acceptable, but currently the level of investigation required to confirm this has not yet been

carried out; we consider it prudent to hold off in redesigning the drainage strategy until the ground conditions have been confirmed.

We will likely object to the use of deep borehole soakaways without reasonable justification, in line with Position Statement G1 in the Environment Agency's approach to groundwater protection. Please refer to the other position statements in Section G of this document when designing the drainage plan, should it require redesigning.

Advice to Developer Waste

Contaminated soil that is (or must be) disposed of is waste, therefore its handling, transport, treatment, and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991;
- Hazardous Waste (England and Wales) Regulations 2005;
- Environmental Permitting (England and Wales) Regulations 2016;
- The Waste (England and Wales) Regulations 2011.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on gov.uk for more information.

Additionally, the CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2), often referred to as "DoW:CoP", provides operators with a framework for determining whether or not excavated material arising from site during land development or remediation is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials can be reused on-site as part of the development, as a planned activity, providing they are fit for purpose and unlikely to cause pollution;
- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution;
- treated materials can be transferred between sites as part of a hub and cluster project;
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically. Refer to the Waste Classification Technical Guidance. and the waste suitability page on gov.uk for information about what each type of waste comprises and what it can be used for.

Permitting

The construction of this project may be subject to a number of activities regulated through Environmental Permits (EPR), including (but not limited to):

- dewatering;
- Deposit for Recovery (DfR);
- Flood Risk Activity Permit (FRAP);
- use of drilling fluids;
- abstraction license;
- surface and groundwater discharge consent(s).

We recommend contacting the National Permitting Service for permitting matters and any issues likely to be raised as early as possible as the processing times vary depending on the type of permit, and can be long in some cases.

Advice to Local Authority

The proposed drainage strategy as outlined in the submitted Flood Risk Assessment & Sustainable Drainage Strategy Fernbrook (ref.: 23200-FCE-XX-XXRP-D-0002) is deemed acceptable as long as the ground conditions prove to be conducive. There is ambiguity over the presence of landfill material beneath the site which would make the infiltration drainage features as presented not acceptable within an SPZ1. As such, Condition 7 is a precaution and can be discharged upon confirmation of clean ground – we request to be consulted on this matter as and when we are consulted on part (2) of our Condition 1 (post-intrusive investigation) as they will be in sync.

9.5 Hertfordshire County Council – Archaeology (16 March 2026): [No objections]

We welcome the Archaeological Desk-Based Assessment submitted in support of the application. The development site, at c.34.5 ha., is a very large size. The only archaeological or historic interest relating to the site recorded on the Hertfordshire Historic Environment Record [HER] is the possible ridge and furrow in the southern area of the site. It should be noted that very few archaeological investigations have been carried out in the area, and that the closest, carried out in 2009 during the widening of the M25, revealed Neolithic pottery [HER no. 1865], Iron Age features including pits, ditches, possible enclosure and field boundary [HER no. 31459], and late Iron Age and early Roman features including a pit containing hearth debris [HER no. 31460]. A number of findspots of prehistoric date have also been identified as residual finds in the wider vicinity of the site.

The site is also in a topographically suitable location for settlement, particularly that of prehistoric and Roman date. Cartographic evidence indicates that in the later postmedieval period it was open land, save for the buildings that make up Catlips Farm, as it remains today. This lack of significant disturbance in recent centuries means that it may retain significant archaeological potential.

Therefore, in line with our pre-application advice, I believe that the proposed development should be regarded as having the potential to have an impact on heritage assets of archaeological interest, and I recommend that the following provisions be made, should you be minded to grant consent:

1. A geophysical survey of the development area, prior to any development commencing;
2. the archaeological field evaluation of the proposed development area, via trial trenching, prior to development commencing;
3. such appropriate mitigation measures indicated as necessary by that evaluation.

These may include:

- a. the preservation of any remains in situ, if warranted,
 - b. appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,
 - c. archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),
 - d. such other provisions as may be necessary to protect the archaeological interests of the site;
4. the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results;
 5. such other provisions as may be necessary to protect the archaeological interests of the site;

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Policy 16 (para. 218, etc.) of the National Planning Policy Framework, and relevant guidance

contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as required by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations, and to provide information on professionally accredited archaeological contractors who may be able to carry out the necessary work.

9.6 Hertfordshire County Council – Adult Care Services (19 March 2026): [Comment received]

It is our understanding that the site is being proposed for a 66-bed residential care home. The Care Home Statement indicates that the home may provide both residential and dementia care, depending on demand. While the county council is supportive of additional dementia care provision, without a planning condition securing the specific type of care, there would be no mechanism to prevent the operator from delivering solely residential care. Our assessment of need, as set out below, shows that there is already a surplus of residential care beds within Three Rivers.

Policy Position

The county council's current policy for older people's housing is to seek the provision of Housing with care at 65 units per 1,000 head of population aged over 75, Nursing Care at 45 units per 1,000 head of population aged over 75 and Residential Care at 20 per 1,000 head of population aged over 75.

These figures reflect the county council's policy to support a general increased provision of specialist housing. This also echoes the national government position which seeks to emphasise the key importance of the provision of housing for older people, as well as the findings of the Older Persons Housing Taskforce.

A report published on the 26 November 2024 by The Older Persons Housing Taskforce stresses the need for age-friendly and dementia friendly housing to be built to ensure that older people can live with dignity, independence, and wellbeing in their later years.

- The county council seek to reduce the reliance on residential care in most instances with a strategy of reducing this provision and steering it towards housing with care which is suitable for both low, medium and high levels of care. This type of housing ensures that the most appropriate and enabling environment is provided, allowing residents to stay within their own homes throughout their lifetime, including those who develop dementia, whilst also allowing general needs housing to be released back into the market. As such, the county council are particularly supportive of additional provision of this type where there is an established need for it and where it accords with the definition set out in the Planning Practice Guidance:

Extra care housing or housing-with-care: This usually consists of purpose built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24 hour access to support services and staff if required, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses.

- The county council are also supportive of the provision of very specialist accommodation such as nursing and dementia care.

Need

The county council have undertaken an assessment of need for all types of accommodation in each local authority and based on an expected population growth in Three Rivers in those aged over 75 of 21,308 people by 2042, have identified a future need of 857 units of housing with care (188 to be affordable), 284 nursing care beds and a surplus of 202 residential care beds. On this basis alone, the county council would support either housing with care or nursing care at this development, however these figures are dependent on the delivery of other similar schemes that may come forward sooner.

While this provides a mathematical assessment of need based on certain assumptions other real-world evidence such as vacancy rates, waiting lists and rate of sales/lettings can also indicate demand (or lack of) for specialist housing for older people and should be a consideration for the council. Equally, a mathematical surplus does not suggest that the existing provision should be automatically reduced. Evidence of vacancy rates and sales/letting rates may often be a sign of the age and/or quality of accommodation and should be a consideration for the council.

Other Considerations

- To ensure that specialist housing schemes meet the definitions set out within the PPG, particularly in relation to on-site care and support, the county council would encourage the LPA to secure provision through an appropriate planning obligation or condition. The county council have drafted template S106 wording for housing with care for this purpose.
- The county council would encourage the LPA to ensure that any provision of specialist accommodation includes an element of affordable housing or offsite contribution. With any off-site contribution to be used towards alternative affordable specialist housing schemes.
- Ensure that any fees are transparent and given to prospective residents upfront and that any service charges are reasonable and capped.
- The county council look more favourably on accommodation in sustainable locations and those that provide a range of facilities on site. It should have access (ideally within 500m) to public transport links and community facilities such as a GP surgery and shops. It would also benefit from providing a range of social and communal facilities, to ensure delivery of a high standard of accommodation. A full list of facilities and recommendations can be found in the county council's Service Provision and Placemaking Guide.

- To ensure, wherever possible, that communities are suitable for a range of ages, larger strategic developments should seek to include an element of specialist housing for older people. The county council would also encourage a range of typologies, built form and tenures at a more local level and would broadly support any diversification of supply particularly where there is an identified need and where very specialist accommodation is included.
- The council should encourage the redeployment of any surplus stock to other tenures or levels of care in the first instance.
- The county council would also encourage the council to seek as much development to be built to M4(2) standards as possible, as well as seeking an element of M4(3), to ensure accommodation is better equipped to respond to changing needs. Although it is recognised that the provision of both affordable housing and M4(2)/M4(3) compliance have ramifications to a site's viability.

9.7 Hertfordshire County Council – Growth and Infrastructure (19 March 2026): [No Objection]

I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of 333 dwellings we would seek financial contributions towards the following projects:

HOUSES			FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent	Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	0	1	0	0
2	22	22	2	6	15
3	133	77	3	0	0
4+	54	4	4+	0	0
Total	209	103	Total	6	15

Primary Education Contribution towards the possible new two form entry (2fe) primary school on land to East of Green Street site in Chorleywood and/or provision serving the development (£6,011,658 (which includes land costs of £82,482) index linked to BCIS 1Q2024 and BCIS Regional Factor)

Secondary Education Contribution towards the (4fe) expansion of The Reach Free School and/or provision serving the development (£4,498,255 index linked to BCIS 1Q2024 and BCIS Regional Factor)

Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (WEST) and/or provision serving the development (£622,107 index linked to BCIS 1Q2024 and BCIS Regional Factor)

Waste Service Transfer Station Contribution towards the increasing capacity at Waterdale Transfer station and/or provision serving the development (£41,252 index linked to BCIS 1Q2024)

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £420 (adjusted for inflation against RPI January 2024). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly, in areas where a CIL

charge has not been introduced to date, planning obligations in their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.

The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): “fairly and reasonably relates in scale and kind to the development”.

OUTLINE ONLY: Outline applications will require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation Table will be provided as part of the S106 drafting process. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to amend the dwelling mix at a later stage and the financial contribution to be calculated accordingly.

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

Justification

The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: [Planning obligations and developer infrastructure contributions | Hertfordshire County Council](#).

In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development The NPPG states “No payment of money or other consideration can be positively required when granting planning permission.” The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

(ii) Directly related to the development.

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

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

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

PLEASE NOTE THE FOLLOWING:

Consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.

9.8 Hertfordshire County Council – Highway Authority (24 February 2026): [Objection]

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

Compliance with local policy (LTP4);
Road Access; and
Traffic Generation.

The Highway Authority note the submission of materials in support of the planning application, including a Transport Assessment (TA), dated February 2026 and furthermore, post submission, an Addendum Highway Note, dated March 2026.

The Highway Authority wishes to acknowledge the pre-application discussions held with the applicant's transport consultant. The discussions were constructive in scope, and both parties put their respective views across, both in writing and in-person.

The Highway Authority has conducted a site visit to the development location, including an assessment of routes to and from both Chorleywood and Rickmansworth.

In preparing this response, the Highway Authority has considered the development site in accordance with the provisions of Hertfordshire County Council's document, Local Transport Plan 4 (LTP4)

The Highway Authority seeks to ensure that the development may be safely accommodated on the local highway network in terms of vehicular trip generation and by way of the proposed mitigation.

Of key importance is that all new development demonstrates to a robust extent that non-car modes of travel are viable options.

However, whilst the Highway Authority has a number of policies contained within the LTP4, Policy 1 provides an overarching framework for all other policies. Policy 1 is set out below:

Policy 1: Transport User Hierarchy

To support the creation of built environments that encourage greater and safer use of sustainable transport modes, the county council will in the design of any scheme and development of any transport strategy consider in the following order:

- Opportunities to reduce travel demand and the need to travel;
- Vulnerable road user needs (such as pedestrians and cyclists);
- Passenger transport user needs;
- Powered two-wheeler (mopeds and motorbikes) user needs; and
- Other motor vehicle user needs.

At the top of the hierarchy, the Highway Authority as a guiding principle seeks to ensure that all new development reduces the need to travel by way of good land-use planning and secondly, that viable alternatives are available other than the use of the private car. To this

end, the needs of pedestrians, cyclists and passenger transport users are placed higher than the private car.

The Highway Authority note that the proposed development site is located in between the settlements of Chorleywood and Rickmansworth. However, the development site is located closer to the local facilities, amenities and public transport available to Chorleywood village.

Whilst the “as the crow flies” distance to Chorleywood village centre is relatively short, the Highway Authority is concerned that the development site is situated in an area of semi-rural aspect. A walk from the centre of the development site to the village could be achieved within 20 minutes or so, there are significant concerns regarding the nature of routes available to the village. Whilst there are useful Rights of Way in the area, such as RoW 29 which offer attractive leisure routes into the village, the utilisation of Shepherd’s Lane or Berry Lane is still necessary. The Highway Authority’s principal concern is how these routes may be used on a day-to-day basis to access Chorleywood. To give an example, the Highway Authority has some doubts that commuters needing to access Chorleywood station would find the network particularly amenable at night-time. Personal safety of using the routes must also be considered at these times, particularly for young people. It is the view of the Highway Authority that these routes are fundamentally unsuitable to be utilised as principal access routes into Chorleywood. This notwithstanding, the Highway Authority notes the engagement with Hertfordshire’s Countryside, Rights of Way (CRoW) team in terms of seeking to provide new routes within the site and also upgrades to the existing network. Whilst the proposed works to the latter are indeed welcomed, the inherent constraints of the network in terms of the cross-sections (Definitive Width) available, the gaps in the network and the prevailing semi-rural environment are at odds with the applicant’s view that these could be made into viable walking routes to the village.

The Highway Authority note also the work contained within the Addendum Transport Note which seeks to enhance the walking routes to the adjoining centres. Appendix 2 presents these improvements at an indicative level. Whilst the works do provide some benefit in terms of ease of access for pedestrians, it is considered that these are too modest in scope to change the inherent difficulties of accessing the site from both the Chorleywood and Rickmansworth directions. Similarly, the attempt to show improvements to the ease of vehicular access on Shepherd’s Lane is highly localised and will do little to mitigate the wider access issues, in particular from the Chorleywood side.

The issues with accessing Chorleywood lead the Highway Authority to conclude that the site does not afford the requisite level of opportunity to access the village by sustainable modes.

The Highway Authority is also concerned that access for vehicles from the Chorleywood side of the development could lead to conflicts owing to the semi-rural nature of the sections of Shepherd’s Lane and Berry Lane west of the M25. These sections of roads are in effect country roads, ill suited for the demands of modern traffic and high volumes. The Highway Authority has a significant level of concern that for residents accessing the site from Chorleywood that the proposals for a large residential development could lead to conflicts between both motorised users and pedestrians. It is the view of the Highway Authority that road access to the site is fundamentally unsuitable given the inherent characteristics and geometry of the present network.

The Highway Authority note the materials contained within the Transport Assessment relating to the bus provision for the site. These are an accurate reflection of the discussions with the Highway Authority. The provision of the proposed bus services and attendant Section 106 funding is welcomed. However, whilst the bus could be a good option for longer journeys, given the potential wait times and proximity to the adjoining settlements and

difficulties with walking as set out within this response, the use of the private car is likely to be a more favourable option for short trips, particularly at night-time.

In terms of trip generation, a multi-modal trip generation exercise does not appear to be present within the TA text. However, the Highway Authority notes the presentation of census data within the Travel Plan. In terms of trip generation, the Highway Authority is concerned that the particular locational characteristics of this site may give rise to more trips by non-sustainable modes. This notwithstanding, the Highway Authority note the results of the highways related assessment work within the TA. In particular, the results of the highways capacity analysis at the Ebury and Maple Cross roundabouts is noted. Given the capacity constraints at these roundabouts, it is considered that there is a sufficiently material impact to warrant the examination of potential mitigation measures at these locations. The transport consultant, however, dismisses this impact in the TA report.

The TA concludes that the site is in a sustainable location, with the proposed mitigation measures seeking to confirm this assertion. Whilst the introduction of a bus service offers the most credible form of mitigation in the package, the Highway Authority has significant doubts whether the remaining mitigation proposed, namely the improvements to the Rights of Way network and basic localised highway improvements can satisfactorily contribute to a site that is sustainable in a fashion compliant with LTP4. Road access to the site is also significantly constrained from the Chorleywood direction, leading to doubts with respect to highways safety. In terms of junction capacity, no mitigation is proposed, with the impacts of the increased development traffic dismissed as not being material. The doubts with respect to the sustainability of the site also lead to concerns that a higher vehicular traffic generation may manifest itself for this development site.

In summary, the Highway Authority has been presented with a development proposal, that whilst to take purely distances to Chorleywood and Rickmansworth, both of which are settlements with good public transport, local facilities and amenities and are reasonably close, a development site of this nature would be expected to be readily linked. However, the inherent locational characteristics of this development site which present themselves as semi-rural, does not lend itself well to high volumes of pedestrian or vehicular trips seeking to access the development site from both centres, markedly so from Chorleywood. Whilst the mitigation package has some merit, it does not, or cannot satisfactorily advance the case for development at Catlips Farm, the Highway Authority recommends refusal of the planning application insofar that it does not principally comply with the provisions of the LTP4.

9.9 Hertfordshire County Council – Lead Local Flood Authority (17 April 2026): [No objections]

Thank you for your consultation on the above site, received on 17 February 2026. We have reviewed the application as submitted and wish to make the following comments. The applicant has provided a Flood Risk Assessment & Sustainable Drainage Strategy for the Outline Application stage, as listed in the Annex.

We understand the drainage strategy proposes that surface runoff will be managed with permeable paving, swales and infiltration basins across three catchments (north, central and south). The north catchment will attenuate flows before pumping to the central catchment for infiltration, the central and southern catchments infiltrate directly. The Medical Centre and Care Home drain to separate soakaways. Pump failure can be mitigated on site by twin duty-standby pumps and provision of 352 m³ of storage plus 690 mm freeboard. Clarification was provided that all basins and swales have a 1:3 side slope

We have no objection subject to conditions being attached to any consent if this application is approved, and the Applicant is in agreement with pre-commencement conditions. We suggest the following wording. If the following conditions are not included, the development would be contrary to NPPF and Three Rivers District Council Local Plan policy and we would object until such time that the details below are submitted for review. It is assumed

that the development will not be phased, however, if it is then a phasing condition will be required.

Condition 1:

Prior to or in conjunction with the submission of each reserved matters application, in accordance with the submitted FRA and Drainage Strategy (Flood Risk Assessment & Sustainable Drainage Strategy, by Fernbrook Consulting Engineers, April 2026, reference-23200-FCE-XX-XX-RP-D-0002 - revision number- P02), detailed designs of a surface water drainage scheme, prioritising the use of source control Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration feature/s,

Or

If infiltration is proven to be unfavourable (following the Environment Agency's conditions) then Greenfield runoff rates for the site shall be agreed with the Lead Local Flood Authority. The post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% Annual Exceedance Probability (AEP). Surface water runoff shall not be discharged to the foul sewer, in line with the National SuDS Standards and the PPG.

II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).

III. Detailed designs, modelling calculations and plans of the drainage conveyance network in the:

- 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site
- 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.

IV. The design of the infiltration basins will incorporate an emergency spillway, and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.

V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge for each area/catchment of the development.

Reason:

To prevent flooding in accordance with National Planning Policy Framework paragraphs 173,175 and 180 by ensuring the satisfactory management of local sources of flooding

surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Condition 2:

Prior to or in conjunction with the submission of each Reserved Matters application a detailed Site SuDS Phase plan which aligns with the site phasing plan shall be submitted to and approved in writing by the Local Planning Authority. This SuDS Phasing plan shall ensure that each phase does not exceed the agreed discharge rates for that phase and that source control measures are installed within each phase to adequately address the phases own surface water runoff. The plan shall ensure that each SuDS component is adequately protected throughout the development of the scheme. The plan shall show all exceedance routes throughout the site clearance and construction of the scheme ensuring flood risk is not increased elsewhere or to the site itself and that the site remains safe for all exceedance event flow routes for the lifetime of the development during rainfall (i.e. greater than design events or during blockage) and how property on and off site will be protected.

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

Condition 3:

Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority.

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

Condition 4:

The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation.

II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located and showing a minimum 3m easement around the SuDS features along with vehicle/parking access.

III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

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

Condition 5:

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

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

Informative for LPA

The LLFA notes the Environment Agency’s position and confirms that the suitability of infiltration is dependent on the required Environment Agency conditions being secured as part of any planning approval

9.10 Hertfordshire County Council – Minerals and Waste (February 2026): [No objection]

Minerals

In relation to minerals, the site falls entirely within the ‘Sand and Gravel Belt’ as identified in Hertfordshire County Council’s adopted Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire.

British Geological Survey Data does identify that there could potentially be some sand/gravel deposits beneath the proposed development site, as identified in section 6 of the Minerals Resource Assessment.

As the Minerals Planning Authority, we agree that prior extraction is not necessary at the site, however we would encourage opportunistic extraction.

Opportunistic extraction refers to cases where preparation of a site for built development, such as excavating the foundations and footings or landscaping works, may result in suitable material being uncovered that could be extracted and processed for use on site as part of the development.

The Minerals Planning Authority would like to encourage the opportunistic extraction and subsequent use of sand and gravel deposits within developments wherever possible. Opportunistic use of minerals will reduce the need to import sand and gravel to the site and make sustainable use of these valuable resources.

Waste

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council’s adopted waste Development Plan Documents (DPDs). In particular, these documents seek to promote the sustainable management of waste in the county and encourage Local Planning Authorities to have regard to the potential for minimising waste generated by development.

The National Planning Policy for Waste (October 2014) sets out the following:

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

- *the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*

- *new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- *the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'*

Section 4.7 of the Planning Statement, Including Affordable Housing Statement makes reference to the Waste Core Strategy and Development Management Policies DPD (2012). The policies in the adopted DPD (2012) that relate to this proposal, and which must be considered by the Local Planning Authority in determining the application, include Policy 1: Strategy for the Provision for Waste Management Facilities (namely the penultimate paragraph of the policy) and Policy 12: Sustainable Design, and Demolition.

Many of the policy requirements can be met through the imposition of planning conditions.

As a general point, built development should have regard to the overall infrastructure required to support it, including where appropriate a sufficient number of waste storage areas that should be integrated accordingly and facilitate the separate storage of recyclable wastes.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP).

The Waste Planning Authority would expect to see a SWMP prepared to support this application. The SWMP must be prepared and agreed in consultation with the Waste Planning Authority prior to commencement of the project. The SWMP must be implemented throughout the duration of the project, from initial site preparation works to final completion of the construction phase.

By preparing a SWMP prior to commencement, early decisions can be made relating to the management of waste arisings and building supplies made from recycled and secondary materials can be sourced, to help alleviate the demand for primary materials such as virgin sand and gravel. Early planning for waste arisings will help to establish what types of containers/skips are required for the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste from the site.

As a minimum, the SWMP should include the following:

Project and People

- Identification of the client
- Identification of the Principal Contractor
- Identification of the person who drafted the SWMP
- Location of the site
- An estimated cost of the project
- Declaration that the client and contractor will comply with the requirements of Duty of care that materials will be handled efficiently and waste managed appropriately (Section 34 of Environmental Protection Act 1990 and Environmental Protection (Duty of Care) Regs 1991)

Estimating Waste

- A description of the types of waste that are expected to arise on site (recorded through the use of 6-digit European Waste Catalogue codes) and an estimated quantity for each of the types (in tonnes)

- Waste management actions for each waste type (i.e., will the waste be reused or recycled (on-site or off-site?), recovered or disposed of)

Space for Later Recordings

- Space for the recording of actual figures against the estimated figures
- Space for the recording and identification of those responsible for removing the waste from site and details of the sites they will be taking it to
- Space to record explanations for any deviations from what has been set out in the SWMP, including explanations for differences in actual waste arisings compared to the estimates

As a SWMP has not been produced at the planning application stage, the Waste Planning Authority request the following pre-commencement condition be attached to any approved planning application:

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

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

9.11 Hertfordshire County Council – Public Health: [No response received]

9.12 Hertfordshire County Council – Water Officer: [Condition required]

Hertfordshire Fire and Rescue service (hydrants only) will require a condition for the provision and installation of fire hydrants, at no cost to the county council, or fire and rescue service. This is to ensure there are adequate water supplies available for use in an emergency, at all times

9.13 Hertfordshire Constabulary: [No response received]

9.14 Herts Ecology (26 March 2026): [More information required]

Summary of Advice:	
Advise - Insufficient information to determine application. The planning officer should either: 1. Refuse the applicant or advise it is withdrawn or, 2. Request further information from the applicant and re-consult the Ecology Service (LEADS) when it is furnished.	Pre-determination • Protected species – Further information required. • Local Wildlife Site and Irreplaceable Habitat • BNG – Further information required regarding habitat surveys. Determination • BNG - Enhancements are not significant. • Conditions and Informatives. Post- Determination • BNG - Additional units required, Guidance on the BGP stage.

Comments and recommended Conditions and Informatives:

1. Protected species

Breeding birds – The Ecological Assessment report notes that a number of breeding birds, Schedule 1 birds, birds on the list of Species of Principal Importance and birds of conservation concern were recorded on or in proximity to the site. All wild birds, their nests, eggs and young are afforded protection and in general terms it would be an offence to kill, injure or take any breeding birds and their young. Schedule 1 birds have additional protection against being recklessly or intentionally disturbed while in/building a nest with eggs/young, and against recklessly or intentionally disturbing any of their dependant young. To reduce the risk of an offence being committed, the recommended avoidance and mitigation measures for breeding birds given in the report (sections 5.83 – 5.85) should be adhered to, and as recommended in the report, I would advise that a Construction Environmental Management Plan (CEMP) is created and informed by these measures. I would recommend that this is secured by condition. Particular caution should be given during construction in those areas where breeding birds and birds of conservation concern were recorded.

A Species Enhancement Strategy including enhancements for breeding birds should also be submitted to the Local Planning Authority for consideration, and I would recommend that this is also secured by condition. This strategy should be informed by recommendations made in the report (sections 5.83 - 5.87). Notably, section 5.86 recommends that a range of bird boxes should be provided across the site on mature trees and within newly constructed dwellings to compensate for the loss of nesting bird habitat. As the report mentions that swallows were recorded breeding in the stables (section 4.82), the Species Enhancement Strategy should clearly detail the proposed location of swallow boxes to be installed, and this should be in line with best practice guidance.

2. Bats

As bats are classified as European Protected Species (EPS), sufficient information is required to be submitted to the Local Planning Authority prior to determination, so it can fully consider the impact of the proposals on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended). Activities involved in the projects proposals with the potential to negatively impact bats include:

- The demolition of B1 – B14.
- The loss of T55, G83, and T89-2 which have PRF-M suitability to support bat roosts
- The loss of T31 and T33 which have PRF-I suitability to support bat roosts
- The removal of parts of woodlands W2 – W6
- Losses to areas of modified grassland and other neutral grassland
- The loss of various trees and hedgerows

Bats in buildings

A total of fifteen buildings (B1–B15) were assessed for their suitability to support roosting bats. Buildings B1 and B5–B14 were deemed to be of negligible potential however B2, B3, B15 contained numerous PRFs (Potential Roost Features); which included: lifted tiles, missing mortar, lifted cladding, crevices etc. and required further surveys. B2 & B3 were graded as moderate suitability but subsequent emergence surveys confirmed no roosts present. Evidence of pipistrelle droppings (<50) were found in B4 but due to the absence of PRF's on this building this was concluded to be from opportunistic foraging only. B15 was considered a classic hibernation-style structure, of moderate roosting potential and a subsequent hibernation survey was carried out, which revealed no roosting bats. As a result, it does not appear that bats are using these buildings as a roost site. However, in the unlikely event that bats are found, given the proposal will involve demolition, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted.

“If bats, or evidence for them, are discovered during the course of the works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.”

Bats in trees

Six trees/tree groups (T31, T32, T33, T55, G83, and T89-2) were subject to an endoscope and aerial inspection survey on 19/01/26. This confirmed T31 and T33 had PRF-I Suitability, and T55, G83, and T89-2 had PRF-M Suitability. Bats are classified as European Protected Species (EPS), sufficient information is required to be submitted to the Local Planning Authority prior to determination. Since a number of trees are due to be and have been assessed as having Roosting features (T55, G83, T89-2), in line with The Bat Conservation Trust's good practice guidelines would require further surveys. This can either be in the form of 2 x bat emergence surveys or 2 more aerial/endoscope inspections (carried out 3 weeks apart in favourable conditions, between the months of May–Sept) to establish the presence or absence of bats. Consequently, so it can fully consider the impact of the proposals on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended) and in line with government guidance on the timing of surveys within the planning process, I advise that the application is NOT determined until these surveys have been completed to the satisfaction of the LPA.

In the event that a roost is discovered a bat mitigation licence issued by Natural England would be required.

Bat flight lines and dark corridors

The ecological appraisal includes data collected from static bat detectors deployed throughout the site during 2023 and 2025; the results of which indicate that the site has supported a wide diversity of bat species, with >10 species during 2023 reducing to >6 in 2025. Of the species recorded most notable are Barbastelle (*Barbastella barbastellus*) a rare woodland species, listed as vulnerable (IUCN 2019) which was most frequently recorded at Pheasants wood LWS woodland edge (where SD4 was located); Leisler's bat (*Nyctalus leisleri*) a near threatened woodland species; Serotine (*Cnephaeus serotinus*) a large and slow flying species classified as vulnerable; Nathusius' pipistrelle (*Pipistrellus nathusii*) a near threatened species; as well as long eared bat species *Plecotus sp.* and Noctule *Nyctalus noctule* open woodland species. Overall, the site was evaluated to be of up to regional importance for commuting and foraging bats.

All 18 species of bat found within the UK are known to avoid roosting and hibernating in the presence of artificial lighting (ALAN). The presence of ALAN is also reported to delay emergence from a roosting place and can cause the bats to abandon a roost site. Most species of bat, with the exception of *pipistrelle spp.*, are reported to avoid commuting along areas where artificial lighting is utilized. Moreover, many of these species will not cross lit corridors and so the presence of lit areas in the landscape can act as physical barriers to their dispersal. This has a particularly negative impact on light averse species such as all *Myotis*, and *Plecotus* species and the rare Barbastelle, which tend to be those which are more specialist and consequently often rarer.

The report states that key bat flight lines and foraging paths will be retained at the edges of the site and broadly through the north-west, south, and east, however on scrutiny of the proposed development plans there appears to be significant portions of the site where the presence the built environment and its associated lighting will impede upon the mapped flight paths outlined within the report. Static detector surveys revealed location SD1 and SD2 to have the highest overall number of recordings, areas which are currently native hedgerow (H3-H6) and a strip of mixed woodland (W3/W4); which are both due to be reduced or removed. In addition, the strip of woodland (W5) between SD1 and SD5 also appears to be a well-used flight path. W3/W4 and W5 are depicted in the arboriculture plans

with tarmac road surface following alongside the remaining treeline. The LWS woodland where SD4 was situated, had the highest overall recordings of Barbastelle bats. Therefore, it is crucial that these ecologically sensitive areas remain as dark corridors.

Due to these facts, it is imperative that a sensitive lighting strategy is prepared and produced. In order for the LPA to be confident that the development will achieve and maintain preservation the ecologically important dark corridors, this strategy should follow guidance set out in the Bats and Artificial lighting at night guidance note (GN08/23) prepared by the Bat Conservation Trust and the Institution of Lighting Professionals and should demonstrate the use of warm lighting ($\leq 3000\text{K}$, ideally $2700\text{--}3000\text{K}$), no upward light spill, direction of the lights away from woodland and hedgerows, the use baffles, shields, cowls or the inclusion of motion-activated lighting/ partial night lighting. Since the location of these dark corridors should inform the design stage of the development, I advise that a sensitive lighting plan is secured by Condition.

3. Great Crested Newt (GCN)

Great crested newts (including the animals, eggs, breeding sites and resting places) are protected by European and national legislation. These amphibians spend the majority of their lifecycle on land, typically up to 100m from their breeding pond but can travel further if suitable contiguous commuting and sheltering habitat is present.

A Historic records search was conducted, and the results revealed 53 records of GCN and a further 21 records of common toad. The nearest being within 215 m of the site. All records were located North/Northwest of the site and the habitat between sites is interrupted by impervious surface and the urban landscape. There are five small ponds all located within a 500m radius of the site South/Southwest. Two of which have been assessed as being of ornamental value only and are unlikely to provide GCN habitat, but the other three are semi natural, which may be of some value to GCN.

The proposed site itself currently contains no ponds, ditches, or open water and the majority of the terrestrial habitat in the South was assessed as being of low quality; horse grazed pasture. Despite this however; it is mapped as being "fringe" territory for GCN, which means there may be some risk of damaging GCN terrestrial habitat during the course of developments.

The site was assessed by the surveyors to have negligible potential for GCN, and no further surveys were required, however. It is noted that the site was visited for the purpose of reptile surveys between 12/09/23 and 06/10/23 whereby 94 artificial refugia was placed every 10m in locations across areas of habitat assessed to provide habitat for reptiles; specifically the grassland, woodland edges, scrub, and any potential hibernation areas within the site. Adult GCN are known to forage across terrestrial habitats including rough grassland, scrubland and woodland and during September to October can be found in these terrestrial habitats, where they often rest in suitable refugia by day and travel nocturnally when humidity and temperatures are more favourable. Therefore, it is possible that during the checking of refugia intended for reptiles, the ecologists may have also come across sheltering amphibians. The results of their reptile survey however concluded no evidence of reptiles, or amphibians using any of these refuge sites.

On this occasion I do not consider there is sufficient likelihood of great crested newts being present and affected for the LPA to require a formal survey prior to determination. However, as reptiles and amphibians can be put at risk of harm or killing during destructive works (including vegetation and building clearance), to avoid committing an offence, I advise a precautionary approach informative using Reasonable Avoidance Measures (RAM) is added to any permission granted:

"Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains / becomes unsuitable for reptiles to cross. Clearance of

existing vegetation should be undertaken progressively using hand-held tools, where appropriate, towards boundaries to allow any animals present to escape to contiguous areas of habitat. Where any hedgerows, long grass or scrub are to be cleared, this work should be carried out in two phases. The first cut should be to >15cm to decrease the suitability of the vegetation for reptiles and encourage any reptiles present to move to retained areas of habitat. Where potential for reptiles to be present remains, following a minimum period of seven days, a second cut to ground level should be carried out in order to render the habitat unsuitable. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on. If a reptile is found, then it should be allowed to move safely out of the way on its own accord to contiguous habitat remaining on, or adjacent to, site. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water."

Local Wildlife Site and Irreplaceable Habitat

Pheasant's Wood LWS and Ancient Woodland: The development is adjacent to Pheasant's Wood Local Wildlife Site (LWS), of which a part is ancient woodland. Ancient Woodlands are a rare resource both nationally, making up only 2.4% of the land cover, and locally, representing only 4% of Hertfordshire. Because the complex ecology of ancient woodlands has developed over a long period of time it is not possible to recreate this habitat artificially by new woodland planting leading them to be classified within the NPPF and Natural England's standing advice as irreplaceable habitats. The NPPF states that:

"Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists".

The ancient woodland sits outside of the redline boundary, and a 15-metre buffer has been applied to the habitat in line with Natural England guidance. The ecological report also recommends securing long-term management of the wider LWS through a Section 106 agreement. However, the submission does not provide any detail on how the LWS and ancient woodland will be managed or protected.

Of particular concern is the proposal to create two new access paths leading into the ancient woodland and to install biodiversity information boards. This, combined with the population increase from the 333 new dwellings, is likely to lead to a significant increase in recreational pressure. Without appropriate management, this could result in loss of the habitat through processes like path creation, trampling, soil compaction, and disturbance to wildlife. The potential for recreational impacts has not been assessed or addressed within the application.

Given the sensitivity and irreplaceable nature of the habitat, clear evidence must be provided prior to determination to demonstrate that the ancient woodland and wider LWS will not be adversely affected. I therefore advise that the applicant is required to provide:

- A detailed management and protection strategy for the LWS and ancient woodland.
- Specific measures to mitigate recreational pressure, including long-term monitoring.
- Confirmation of how these measures will be secured.

Without this information, it is not possible to conclude that the proposals will avoid deterioration of an irreplaceable habitat.

BNG – Pre-determination

Habitat Assessment: Insufficient information has been provided to allow the LPA to consider the UK Habitat and habitat condition assessments provided. The baseline habitat map identifies the fields on site as either Modified Grassland (g4) or Other Neutral Grassland (g3c). However, the report provides limited supporting information to justify these

classifications. The species lists for the fields are broadly similar, and the assessment does not clearly explain how it applied the UK Hab criteria to differentiate between the two grassland types.

There are species present across all fields that are characteristic of higher distinctiveness habitats such as oxeye daisy, common knapweed, and birds foot trefoil, whilst all fields also include species characteristic of other neutral grassland but not modified grassland as listed in the UK Habitats. In addition, it is not clear how species richness has been applied to the classification. For example, Field 6 is described as Other Neutral Grassland has 4.9 species per m², whilst F11 has 10 species per m² which is described as Modified Grassland. Without further detail on species composition and structure it would be difficult to understand the rationale for this classification.

In order to correctly evaluate the habitat survey, I recommend that the ecologist provides additional information on how the distinction between Modified Grassland and Other Neutral Grassland was made. In particular, relative abundance data for each species within every field would be valuable, and how the habitats within each meet or fail the 4 tests set within the UK Habitats for other neutral grassland. In addition, how the presence of plants of a higher distinctiveness were considered in the assessment should also be explained.

Until this information is provided, I advise that the minimum information requirements have not been met and the application should not be determined.

Strategic Significance: The Biodiversity Statement and Draft Biodiversity Gain Plan details that Strategic Significance for the baseline habitat values was based upon the Hertfordshire Ecological Network map. Resultantly, some of the elements of the habitat baseline have been set as high strategic significance ('Formally identified in local strategy'). However, the date of completion of the metric is 7th February 2026, which is after the publication of the Hertfordshire Local Nature Recovery Strategy (LNRS). [Government guidance](#) indicates that, following the publication of the Hertfordshire LNRS, all elements of the baseline should have a value of low strategic significance ('Area/compensation not in local strategy/no local strategy'). The consequence of the existing metric is that the applicant will have to seek more units than would otherwise be required in order to achieve BNG. The applicant should be made aware of this should they wish to rectify this error in their metric – if so, this must be done prior to determination. However, should the applicant wish to leave the strategic significance values as they are in the existing metric, we would have no objection to this decision, given that more BNG units than otherwise required would be sought.

BNG – Determination

Significant On-Site Enhancement - The proposed Biodiversity Net Gain includes the on-site enhancement of substantial areas of medium distinctiveness habitat (Other Neutral Grassland) and Modified Grassland, together with the creation of medium and high distinctiveness habitat, notably Ponds, Other Neutral Grassland, and Urban Trees. As a result, I advise that the on-site biodiversity enhancements should be considered Significant and should be secured by either a planning condition, a planning obligation, or a conservation covenant, for a minimum period of 30 years following completion of the development.

Account should be taken in any such agreement of the cost to the LPA of reviewing required monitoring reports. This should reflect the large site size (20+ ha) and the highest technical difficulty of habitat creation/enhancement being Medium. Based on this, I advise that, in line with the Ecology Service (LEADS) monitoring cost calculator, a monitoring contribution of £8,764 would be appropriate.

This cost is dependent on the submission of monitoring reports to the LPA in years 1, 3, 5, 10, 15, 25 and 30.

Habitat Management and Maintenance Plan (HMMP) - I advise that the means by which the proposed on-site habitats will be created and enhanced (capital works) and subsequently managed for a minimum period of 30 years should be set out within a Habitat Management and Maintenance Plan (HMMP). The HMMP should be secured by planning condition, and I further advise that the HMMP is prepared using the Natural England HMMP template, to ensure clarity, consistency, and enforceability.

A net loss has been shown, and the trading rules have not been met. In line with government guidance, it would generally be inappropriate for concerns about the ability to discharge the condition to be used as a reason to refuse an application. However, the applicant should be made aware that the general biodiversity condition is a pre commencement condition and that if the applicant chooses not to address these matters prior to determination they will need to do so at the post determination stage.

BNG – Post-determination

At the biodiversity gain plan stage, an updated metric will need to be submitted showing how a net gain can be delivered. This could be either by the provision of further onsite non-significant enhancements, onsite enhancements that can be secured at the post determination stage or through the use of an off-site location. As a last resort, if an off-site location cannot be found, Biodiversity Credits would need to be purchased. In this latter case, the applicant must demonstrate to the satisfaction of the LPA that all other options have been fully explored and that the BNG hierarchy has been followed.

Off-site BNG: Where an off-site solution is sought, the spatial multiplier will need to be applied and, depending on the location of the provision, could require the purchase of more BU than is presently shown in the headline results. At the post determination site, the Off-Site Gain summary tab should be checked to ensure that the spatial risk multiplier has been applied as this will not reflect in the headline results.

LNRS & Post-determination strategic significance: The Biodiversity Statement and Draft Biodiversity Gain Plan details that the Hertfordshire Ecological Network map was used to determine strategic significance for the proposed on-site habitat enhancement and creation. However, as the metric was completed after the publication of the Hertfordshire LNRS, this strategic significance must be based upon the Hertfordshire LNRS. If the application is approved, the Biodiversity Gain Plan and supporting metric should reflect high strategic significant values for any areas (1) that are shown in the published local strategy and (2) deliver the mapped actions for that area. Any post-development habitat interventions that meet both of these criteria will achieve a biodiversity unit uplift. As such, the existing on-site habitat creation and enhancement sections of the metric will need to be updated based on the Hertfordshire LNRS in order to ensure the correct strategic significances have been set.

Biodiversity Gain Plan: I advise this is completed using the government template. In order for the Biodiversity Gain Plan to be discharged, it should be submitted with the following minimum information either within the body of the plan or as supporting information:

- A completed metric tool calculation that demonstrates:
 - a minimum 10% net gain achieved within the trading rules and consistent with the figures quoted within the Biodiversity Gain Plan.
 - a fully completed start page, including project details and the date that the final version of the metric was completed.
 - where off-site units are being used, these should be shown in the appropriate tab of the metric, and the off-site gain site summary should be completed.
 - a fully completed irreplaceable habitats tab, if relevant.
- Pre-development and post-development plans (showing the location of on-site habitat, the direction of north and drawn to an identified scale). Post-development plans should be sufficient to record the location of the post determination habitats within the final metric submitted to discharge the BGP.

- A compensation plan if the development affects irreplaceable habitats.
- If off-site units are being used, the biodiversity net gain register reference number will be required for a completed BGP.
- Proof of purchase if they're buying statutory biodiversity credits.
- A description of how they will manage and monitor significant on-site gains (for example, with a Habitat Management and Monitoring Plan).

Conditions and Informatives

Protected species mitigation - General - *"No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) including a section for ecology has been submitted to and approved in writing by the local planning authority. The CEMP shall include but not necessarily be limited to, the following:*

- *A review of any ecological impacts. This should be informed by the avoidance and mitigation measures within the submitted ecological report (Ecological Assessment by Luscinia Ecology (6/2/26), including but not limited to those regarding: Reptiles, Breeding birds, Badgers, Hedgehogs, Bats, and GCN.*
- *Risk assessment of potentially damaging construction activities.*
- *Identification of 'biodiversity protection zones'*
- *A set of method statements outlining practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.*
- *The location and timings of sensitive works to avoid harm to biodiversity features. (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset).*
- *Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;*
- *A non-native invasive species protocol (e.g. for Japanese knotweed);*
- *The times during construction when specialist ecologists need to be present on site to oversee works.*
- *Responsible persons and lines of communication.*
- *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details."

Species Enhancement Strategy – *"A Species Enhancement Strategy by an appropriately experienced ecologist shall be submitted to and approved in writing by the LPA. The strategy should include enhancements regarding Breeding Birds including Swallows, Badgers, Bats. The scheme shall include, but not be limited to, the following details:*

- Purpose and conservation objectives for the proposed enhancement measures*
- Description, design or specification of the type of feature(s) or measure(s) to be undertaken.*
- Detailed designs to achieve stated objectives.*
- Materials and construction to ensure long lifespan of the feature/measure*
- Proposed Locations shown by suitable maps and plans and where appropriate the elevations of the features or measures to be installed or undertaken.*
- When the features or measures will be installed within the construction, occupation, or phase of the development,*
- Persons responsible for implementing the enhancement measures*
- Details of initial aftercare and long-term maintenance (where relevant)*

Thereafter, the biodiversity enhancement measures shall be carried out and maintained for their designed purpose in accordance with the approved details including timescales and shall be retained as such thereafter."

Bat Informative - *"If bats, or evidence for them, are discovered during the course of the works, work must stop immediately and advice sought on how to proceed lawfully from an*

appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.”

Sensitive Lighting Strategy: *“A lighting design strategy for bats shall be submitted to and approved in writing by the LPA. This should be informed by the relevant sections (i.e. section 5.14, sections 5.62 - 5.80) of the Ecological Assessment by Luscinia Ecology (dated 6.2.26) and accurately identify the features/areas of interest and the maximal illumination of these areas that will not compromise their existing use by bats. This should be shown in suitable contour plans and charts and accord with best practice (Guidance Note 08/23: Bats and artificial lighting in the UK, (BCT & ILP, 2023.). No external lighting should be allowed to exceed these limits, unless agreed with by the LPA, either during (if important for long-term construction projects) or post-development.”*

Reptiles - Precautionary Approach Informative - *“Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains / becomes unsuitable for reptiles to cross. Clearance of existing vegetation should be undertaken progressively using hand-held tools, where appropriate, towards boundaries to allow any animals present to escape to contiguous areas of habitat. Where any hedgerows, long grass or scrub are to be cleared, this work should be carried out in two phases. The first cut should be to >15cm to decrease the suitability of the vegetation for reptiles and encourage any reptiles present to move to retained areas of habitat. Where potential for reptiles to be present remains, following a minimum period of seven days, a second cut to ground level should be carried out in order to render the habitat unsuitable. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on. If a reptile is found, then it should be allowed to move safely out of the way on its own accord to contiguous habitat remaining on, or adjacent to, site. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water.”*

Local Wildlife Site informative: *“All works, including vehicle movements, materials and waste, are kept strictly within the curtilage of the proposed development site and that under no circumstances should there be any detrimental physical impact to the adjacent Local Wildlife Sites.”*

I trust these comments are of assistance and kind regards.

9.15 Historic England (11 March 2026): [No comment]

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>.

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

9.16 National Grid (March 2026): [Comment received]

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.

What you need to do

To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/our-services/gas-diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

9.17 National Highways (12 March 2026): [More information required]

Referring to the consultation on a planning application dated 24th February 2026 referenced above, in the vicinity of the M25 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

Annex A National Highways' assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the strategic road network, in this case the M25. The SRN in the vicinity of the proposed development is the M25 Junction 17, which is approximately 2 miles away. The site shares a common boundary with the M25 carriageway.

This application is for the demolition of existing development and redevelopment of the Site, including the construction of up to 333 dwellings (Use Class C3) of which 50% affordable housing, 66 bed Care Home (Use Class C2), Medical Centre (Use Class E (e)), Local Centre [containing Retail (Use Class E (a-c)), Community Facilities (use Class F2) and Cafe (Use Class E(a))] and associated play space, parking and associated infrastructure. New vehicular access onto Shepherds Lane and pedestrian and cycle accesses onto Shepherds Lane and Berry Lane, bus stop, bike station, landscaping, pedestrian / cycleway access routes, green infrastructure including community amenity space, allotments, play areas, outdoor gym trail / equipment and associated infrastructure including sustainable urban drainage systems (all matters reserved except for access).

We have reviewed relevant documents that form part of this planning submission and are outlining our comments below.

Traffic Impact

We reviewed the Transport Assessment (TA) by Bellamy Roberts dated February 2026. The assessment forecasts that the proposed development would generate approximately 224 two-way vehicle trips to and from the site during the AM peak hour, and approximately 194 two-way vehicle trips during the PM peak hour.

The trip rates applied within the TA for the various land uses appear generally reasonable and consistent with expectations. However, the residential trip rate used for the PM peak hour appears slightly lower than might typically be anticipated. We have undertaken a sensitivity check in this regard and are satisfied that the variation is unlikely to materially influence the overall conclusions of the assessment.

No adjustments have been made within the TA to the trip rates or mode shares to reflect a vision-led assessment scenario. Nevertheless, given the location of the site and the anticipated propensity for future residents to utilise sustainable modes of transport, we accept that the assumptions adopted are likely to result in a more robust and conservative assessment of potential impacts on the M25.

Trip distribution has been derived using Census 2011 journey-to-work data. We have reviewed the trip distribution analysis presented in Appendix 24, together with the forecast turning movements presented in Appendix 25. These appear generally acceptable. However, it is noted that Appendix 25 does not appear to provide a separate set of turning movement diagrams showing the future year development flows in isolation, as these have been combined with future year background growth.

For clarity and ease of review, we request that a separate set of AM and PM peak hour turning movement diagrams be provided which disaggregate the future year development flows from background growth. These diagrams should cover the same geographical extent as the submitted assessment, including the SRN up to and including M25 Junction 17. Once these disaggregated turning movements have been reviewed, we will be able to determine whether any further assessment of the operation of M25 Junction 17 is required.

Drainage Considerations

From a drainage perspective, the proposed development does not appear to present a significant risk to the SRN. However, it is important that the development does not increase surface water runoff towards National Highways' estate.

Any pedestrian routes or paths leading to the proposed footbridge should not act as conduits for surface water runoff towards the SRN. Surface water arising from the development should be appropriately captured and managed within the site to ensure that there is no discharge onto National Highways' land and assets.

We have reviewed the submitted Flood Risk Assessment (FRA) and provide the following comments:

- ☐ The existing topographical information indicates that overland flow from the site could potentially affect the M25. The applicant should demonstrate that the proposed development will not result in an increase in flood risk to the motorway.
- ☐ Paragraph 4.11 of the FRA states that flooding will be contained within the site during a 1 in 100 year +40% climate change event. A contour plan of the proposed development, together with a plan showing the predicted extent of surface flooding, should be provided to demonstrate that there would be no impact on the M25
- ☐ The development proposes infiltration for the discharge of surface water runoff. The applicant should confirm the factor of safety (FoS) applied to the infiltration rates. The SuDS Manual (CIRIA C753) recommends a FoS of 10 where failure of an infiltration system could result in flooding of roads. The drainage design should therefore demonstrate that exceedance flows would not affect the SRN.

Recommended that planning permission not be granted for a specified period

Given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN (the tests set out in DfT Circular 01/2022 and MHCLG NPPF 2024 [particularly paras 115 to 118]). This response details the steps that need to be taken in order to resolve this issue.

It is recommended that the application should not be granted permission for a period extending until 12th June 2026; unless in the meantime all queries and requirements raised by National Highways are fully resolved and this Holding Recommendation is replaced. This does not fetter the Council's ability, if they so wish, to either refuse the application or agree an extension of time beyond 12th June 2026.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 77 and 110 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 109 and 115 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up as part of a vision-led approach.

Moreover, the carbon reduction hierarchy (avoid-switch-improve) as set out in clause 4.3 of PAS2080:2023 promotes approaches and measures to minimise resource consumption and thereby reduce carbon emissions.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

9.17.1 National Highways (Second response, 30 April 2026): [No objections]

Referring to the consultation on a planning application dated 24 February 2026 referenced above, in the vicinity of the M25 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is as follows:

a) offer no objection (see reasons at Annex A);

Reasons:

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the strategic road network, in this case the M25. The SRN in the vicinity of the proposed development is the M25 Junction 17, which is approximately 2 miles away. The site shares a common boundary with the M25 carriageway.

This application is for the demolition of existing development and redevelopment of the Site, including the construction of up to 333 dwellings (Use Class C3) of which 50% affordable housing, 66 bed Care Home (Use Class C2), Medical Centre (Use Class E (e)), Local Centre [containing Retail (Use Class E (a-c)), Community Facilities (use Class F2) and Cafe (Use Class E(a))] and associated play space, parking and associated infrastructure. New vehicular access onto Shepherds Lane and pedestrian and cycle accesses onto Shepherds Lane and Berry Lane, bus stop, bike station, landscaping, pedestrian / cycleway access routes, green infrastructure including community amenity space, allotments, play areas, outdoor gym trail / equipment and associated infrastructure including sustainable urban drainage systems (all matters reserved except for access).

We have reviewed relevant documents that form part of this planning submission and are outlining our comments below.

Traffic Impact

We reviewed the Transport Assessment (TA) by Bellamy Roberts dated February 2026. We have also now reviewed additional information supplied in an Addendum Highway technical note dated 20 March 2026, produced in response to discussions with the Local Highway Authority (LHA).

The TA assessment forecasts that the proposed development would generate approximately 224 two-way vehicle trips to and from the site during the AM peak hour, and approximately 194 two-way vehicle trips during the PM peak hour.

The trip rates applied within the TA for the various land uses appear generally reasonable and consistent with expectations. However, the residential trip rate used for the PM peak hour appears slightly lower than might typically be anticipated. We have undertaken a sensitivity check in this regard and are satisfied that the variation is unlikely to materially influence the overall conclusions of the assessment.

No adjustments have been made within the TA to the trip rates or mode shares to reflect a vision-led assessment scenario. Nevertheless, given the location of the site and the anticipated propensity for future residents to utilise sustainable modes of transport, we accept that the assumptions adopted are likely to result in a more robust and conservative assessment of potential impacts on the M25.

We note that more recent discussions between the applicant and the LHA outlined in the March 2026 Addendum Highway Technical note have resulted in an updated sustainable transport approach for the site, including increased frequencies for the local bus services proposed to serve the site, which National Highways welcomes. This is also anticipated to be included within an updated Travel Plan for the site.

The proposed trip generation taken forward remains the same as laid out in the TA however, representing a robust future year scenario. Trip distribution has been derived using Census 2011 journey-to-work data. We have reviewed the trip distribution analysis presented in Appendix 24, together with the forecast turning movements presented in Appendix 25. We have separately been provided with AM and PM peak hour turning movement diagrams showing development generated traffic in isolation, including at M25 J17.

These appear to demonstrate that in a robust assessment scenario, the greatest impact on any one off-slip of the M25 J17 in a peak hour would be 18 additional trips. Given the current operation of the junction and the relatively low number of additional overall trips expected, this is not considered to represent a significant impact on the SRN.

Construction Traffic

The applicant has not provided information about which route construction vehicles will use to access the site. Our view is that Berry Lane is not a suitable route for heavy goods vehicles (HGVs). We do note the new vehicular access proposed from Shepherds Lane which may provide a more suitable route for HGVs travelling to and from the site.

Footbridge

The redline boundary of the site is adjacent to a private right of way footbridge that passes over the M25. The applicant must ensure that access is maintained to the footbridge for inspection and maintenance both during and after construction of the development.

Drainage Considerations

From a drainage perspective, the proposed development does not appear to present a significant risk to the SRN. However, it is important that the development does not increase surface water runoff towards National Highways' estate.

Any pedestrian routes or paths leading to the proposed footbridge should not act as conduits for surface water runoff towards the SRN. Surface water arising from the

development should be appropriately captured and managed within the site to ensure that there is no discharge onto National Highways' land and assets.

We originally provided the following advice in response to the Flood Risk Assessment (FRA) & Sustainable Drainage Strategy, dated February 2026:

- The existing topographical information indicates that overland flow from the site could potentially affect the M25. The applicant should demonstrate that the proposed development will not result in an increase in flood risk to the motorway.
- Paragraph 4.11 of the FRA states that flooding will be contained within the site during a 1 in 100 year +40% climate change event. A contour plan of the proposed development, together with a plan showing the predicted extent of surface flooding, should be provided to demonstrate that there would be no impact on the M25.
- The development proposes infiltration for the discharge of surface water runoff. The applicant should confirm the factor of safety (FoS) applied to the infiltration rates. The SuDS Manual (CIRIA C753) recommends a FoS of 10 where failure of an infiltration system could result in flooding of roads. The drainage design should therefore demonstrate that exceedance flows would not affect the SRN.

In response to review of the SuDS Addendum No. 1 ,dated March 2026, we raised the following comments:

- We note that the statement within the SuDS Addendum that “there is no existing flood pathway from the site to the M25 and no pathway will be created post-development” is not considered to be accurate. As shown on the diagram below, the north-eastern part of the central catchment slopes towards the M25 and the submitted information does not clearly demonstrate how surface water runoff in this area will be intercepted to prevent it from running onto the motorway.
- Other than the issue identified above, we are satisfied that the remainder of the proposed development would not result in surface water runoff or flooding impacting the motorway.
- Our previous comments regarding the long-term operation and maintenance of the proposed drainage system remain applicable. In particular, the Drainage Maintenance Plan should include clear and specific operation and maintenance tasks for soakaways and infiltration basins, and it is recommended that appropriate planning conditions are applied to ensure that maintenance will be properly implemented.

Following review of the Flood Risk Assessment & Sustainable Drainage Strategy, dated April 2026, we are satisfied with the information provided. National Highways has reviewed the conditions from the Lead Local Flood Authority and we are satisfied that drainage from the development will be suitably managed.

No Objection

Our concerns raised as set out in Annex A have been managed. On this basis we are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 01/2022, and MHCLG NPPF 2024 paragraphs 115-118) in this location and its vicinity.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 77 and 110 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 109 and 115 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up as part of a vision-led approach.

Moreover, the carbon reduction hierarchy (avoid-switch-improve) as set out in clause 4.3 of PAS2080:2023 promotes approaches and measures to minimise resource consumption and thereby reduce carbon emissions.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

9.18 NHS Hertfordshire and West Essex Integrated Care Board (27 March 2026): [Comment received]

Please accept this letter as the HWE ICB's position on primary healthcare capacity and need arising from this planning application and the health financial contribution sought if TRDC is minded to grant planning permission.

The HWE ICB became a statutory body on 1 July 2022 and is the health commissioner responsible for delivering joined up health and social health care to a population of c1.5m. in Hertfordshire and west Essex.

The HWE ICB works in partnership with health providers, local authorities, and other organisations to:

- improve the general health and wellbeing of Hertfordshire and west Essex residents and improve health care services in the area.
- tackle the inequalities which affect people's physical and mental health, such as their ability to get the health services they need, and the quality of those services help tackle health and wider inequalities.
- get the most out of local health and care services and make sure that they are good value for money.
- help the NHS support social and economic development in Hertfordshire and west Essex.

A strategic aim of the NHS HWE ICB is the improvement of primary, community and mental health care outside of hospitals. To achieve this, the NHS commissions a number of services from general practices in addition to their "core" activity. On the ground this means more joined up care, for example, primary and community healthcare hubs with co-ordinated multidisciplinary professionals/ teams. Therefore, a doctors' general practitioners' surgery may also include an ancillary pharmacy and ancillary facilities for treatments provided by general practitioners, nurses and other healthcare professionals to provide care to residents.

Primary Care Networks (PCNs)

Within the HWE ICB there are 35 PCNs across the 14 localities, each covering a population of between circa 27,000 and 68,000 patients. PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services to ensure an integrated approach to patient care.

Patients are at liberty to choose which GP practice to register with, providing they live within the practice boundary. However, most patients choose to register with the surgery closest and/or most easily accessible to their home for the following reasons: walking distance, quickest journey time, accessibility by public transport, parking provision.

Despite premises constraints GP Practices are not allowed to close their lists to new registrations without consultation with, and permission from the HWE ICB. Even when surgeries are significantly constrained, the NHS will seek to avoid a situation where a patient is denied access to their nearest GP surgery, with patient lists only closed in exceptional circumstances.

The HWE ICB keeps up to date PCN patient lists and closely monitors the current and future capacity of GP surgeries against Local Plan allocations/ housing trajectories.

The HWE ICB also ranks PCNs using existing premises data and known development data. This will identify and rank hotspots across the PCN patch where there is a need to explore projects to increase capacity, for example, by either re-configuring, extending or relocating GP practices to provide sufficient space to increase resources and clinical services to keep patient lists open.

Assessment of impact on existing Healthcare Provision

The HWE ICB has assessed the impact of the proposed development on existing primary health care provision in and around the vicinity of Rickmansworth and Chorleywood. This scheme is expected to deliver 333 homes, which based on an average occupancy of 2.4 will create 799.2 new patients. 66-bed care home will add another 66 patients.

These new residents will impact on Rickmansworth and Chorleywood PCN, which is formed of 2 GP practices and has a combined patient list of 29,881 as of 1 January 2025.

To illustrate their current capacity, individually as well as collectively - on PCN as well as settlement level please see the table below

Surgery Name	Settlement	PCN	Surgery level			Settlement level		PCN level	
			Pt list - 01/01/2025	Patients per m2	Number of patients capacity/ constraint relative to 18 per m2	Number of patients capacity/ constraint	Total NIA capacity/ shortfall	Number of patients capacity/ constraint	Total NIA capacity/ shortfall
Chorleywood Health Centre	Rickmansworth	Rickmansworth and Chorleywood	7,431	15.6	1,155	-293	-15	-293	-15
Gade House Surgery		Rickmansworth and Chorleywood	10,365	32.5	-4,632				
Wotton House Surgery		Rickmansworth and Chorleywood	1,760	7.8	2,287				
The Colne Practice		Rickmansworth and Chorleywood	10,325	16.6	896				

*For the purposes of capacity assessment, we have adopted an alternative calculation to the NHS England "Principles of Best Practice" (referred to below) based on 18 patients per m2, which has regard to national GMS space guidelines but also considers opportunities for economies of scale.

This table demonstrates that Gade House Surgery is very constrained. In terms of premises need and priority, it ranks 8th out of 199 GP premises in the HWE ICB.

It can therefore be concluded that Gade House Surgery will be unable to accommodate the additional patient numbers arising from this development, and indeed potential future housing growth in and around the vicinity of Rickmansworth and Chorleywood. In reviewing all options, the HWE ICB has concluded that new health infrastructure in the form of on-site provision for a new medical facility will be needed to accommodate additional patient numbers arising from this development.

NHS GP premises and funding

By way of context, GP Practices are independent contractors that deliver NHS services - in most cases through General Medical Services (GMS) contract. In line with their contract, they receive payments for the delivery of GMS services as well as reimbursements of their premises costs

According to the terms of their GMS contract, GP contractors receive rent from NHS for using their premises (which they either own or lease) to provide NHS services from. In line with NHS Premises Costs Directions 2024, for the premises that the GP's own, NHS pays Current Market Rent (i.e. fair and reasonable rent as determined by the District Valuer). For

leased premises, NHS reimburses the lease rent that they pay to their landlord (also as verified by the District Valuer). In addition, NHS reimburses business rates and water rates.

If new and/or extended surgery buildings are required, these can be funded in various ways:

- NHS capital investment in the building works – GP practice will sign a Grant Agreement and as a result, their rent reimbursement is abated proportionately to reflect the amount of capital invested for a specified time period in line with NHS Premises Costs Directions 2024.
- S106/CIL investment in the building works – as above, treated in the same way as NHS capital investment.
- Capital investment by the practice.
- Capital investment by the landlord/third party developer.

In the latter two cases, where there is no NHS capital investment, yet the NHS receives the benefit of an increased and/or improved building, there is an increase in either the Current Market Rent (GP owned) or the lease rent (leased building) and the NHS commissioner will be liable for that additional revenue consequence. It should be noted that because all GMS contracts are contracts in perpetuity, the NHS will be liable for these costs indefinitely.

Please note, all NHS health infrastructure improvement projects are subject to the HWE ICB's own governance and scrutiny processes and are assessed against viability, affordability, deliverability and the ability to be future proofed for any future housing growth, given that new medical facilities present a significant cost pressure to the NHS

Therefore, in terms of the HWE ICB's formal commitment to the proposal for a new on-site medical facility at Catlips Farm, Chorleywood, at this stage the following points must be considered:

- All projects are subject to Full Business Case approval by the ICB and NHS England.
- A commercial arrangement has to be agreed between the landowner, developer and end user based on a compliant design specification and demonstrate value for money.
- A project identified and costed in response to the planning application may not meet the objectives of NHS current strategies or could have significantly increased in cost, especially if there has been any significant time lapse from the date of the response to the date of implementation of the planning consent.

In the event the HWE ICB cannot support the delivery of a new medical centre at this location for viability, affordability and deliverability reasons, the HWE ICB will seek a financial contribution as calculated below.

Cost calculation of additional primary care healthcare services arising from the development proposal

The financial contribution for health infrastructure that the HWE ICB is seeking, to mitigate the health impacts from this development has been calculated using a formula based on the number of units proposed and does not consider any existing deficiencies or shortfalls in Rickmansworth or Chorleywood and its vicinity, or other development proposals in the area.

The proposed development would deliver 333 dwellings, which based on an average occupancy of 2.4 occupants per dwelling will create circa 799.2 new patient registrations. 66-bed care home will result in additional 66 patients.

- $799.2 + 66 = 865.2$ new patient registrations/2000 = 0.4326 of a GP *GP based on ratio of 2,000 patients per 1 GP and 199m² as set out in the NHS England "Premises Principles of Best Practice Part 1 Procurement & Development"
- $0.4326 \times 199 \text{ m}^2 = 86.0874 \text{ m}^2$ of additional space required
- $86.0874 \text{ m}^2 \times £7,000^* \text{ per m}^2 = £602,611.80$ (*Build cost; includes fit out and fees)

Total GMS contribution requested: £602,611.80 (indexed from the date of the planning permission)

If planning permission is granted, and in the event the HWE ICB cannot support the delivery of a new medical centre at this location for viability, affordability and deliverability reasons, the HWE ICB propose to focus Section 106 monies on the relocation of Gade House Surgery which explores options for a new medical facility within the locality to accommodate additional patient numbers arising from this development and future housing growth in and around Rickmansworth and Chorleywood.

It is also vital to consider the impact of new development, and the additional residents on community and mental healthcare, as occupiers of the development will also access a variety of healthcare. Based on recent cost impact forecasting calculations, the cost impact on community and mental healthcare is as follows:

Mental Health costs:

333 dwellings x £338.92 per dwelling = £112,860.36

Community Healthcare costs:

333 dwellings x £352.68 per dwelling = £117,442.44

Section 106 contributions towards these services support for the Rickmansworth and Chorleywood area will be focused on the proposed integrated Health Hub at Watford Town Hall Quarter, which is planned to include reprovision of the Avenue Clinic (current building is to be demolished). Contributions would be allocated to the Community Services provider Hertfordshire Community NHS Trust and the Mental Health Services provider Hertfordshire Partnership NHS Foundation Trust.

The HWE ICB therefore requests that these sums are secured through a planning obligation attached to any grant of planning permission.

A trigger point of payment on occupancy of the 1st dwelling is requested for GMS and community and mental healthcare planning obligations. Please note, the developer contribution figure(s) referred to in this response are a calculation only and that the final payment will be based on the actual dwelling unit mix and the inclusion of indexation.

Subject to securing the healthcare infrastructure and/or the developer contributions, as set out above, to mitigate the health service impacts arising from this development, the HWE ICB does not raise an objection to the proposed development.

The HWE ICB looks forward to working with the Council and the applicant to address the matters raised in this consultation response and would appreciate acknowledgement of receipt of this letter

9.19 Thames Water (February 2026: [No objection])

Waste Comments:

Thames Water has identified that the existing FOUL WATER network does not have sufficient capacity to support the proposed development. As such, we request that the following condition be attached to any planning permission granted:

The development shall not be occupied until confirmation is provided that either:

1. All necessary upgrades to the foul water network to accommodate additional flows from the development have been completed; or
2. A phasing plan for development and infrastructure, agreed with Thames Water and the Local Planning Authority, is in place. Where such a plan exists, no occupation shall occur other than in accordance with the approved phasing schedule.

Reason: Network reinforcement is likely to be required to support the proposed development. These upgrades are essential to avoid the risk of sewer flooding and pollution incidents.

If the Local Planning Authority considers this condition inappropriate or is unable to include it in the decision notice, it is essential to consult with Thames Water's Development Planning Department at Devcon.team@thameswater.co.uk before determining the application.

Please note where network modelling is required, Thames Water will need confirmation of outline planning permission, a development phasing plan, and evidence of land ownership to be submitted to devcon.team@thameswater.co.uk. Modelling can take 9-12 months to complete and will not commence until these have been provided.

Following initial investigations, Thames Water has identified an inability of the existing SEWAGE TREATMENT WORKS infrastructure to accommodate the needs of this development proposal. As such Thames Water request the following condition be added to any planning permission.

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

Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (e-mail: devcon.team@thameswater.co.uk) prior to the planning application approval.

The foul water network in this catchment is impacted by high infiltration flows during certain groundwater conditions. Care must be taken when designing new networks to ensure they don't surcharge and cause flooding. Whilst design and construction guidance for sewers allows for an element of infiltration, we would expect in high risk areas such as this that additional precautions are taken to minimise infiltration; this should be in the form of the installation of leak tight liners within sewers and resin injection to seal chambers. This will help to mitigate the risk of flooding in the vicinity of the development (e.g. reduce property flood risk and travel disruption in the locality) and also help to reduce the risk of pollutions in the wider environment, particularly considering the impact of climate change. In the longer term, Thames Water, along with other partners, are working on a strategy to reduce groundwater entering public sewer networks.

The surface water network in this catchment is impacted by high infiltration flows during certain groundwater conditions. Care must be taken when designing new networks to ensure they don't surcharge and cause flooding. Whilst design and construction guidance for sewers allows for an element of infiltration, we would expect in high risk areas such as this that additional precautions are taken to minimise infiltration; this should be in the form of the installation of leak tight liners within sewers and resin injection to seal chambers. This will help to mitigate the risk of flooding in the vicinity of the development (e.g. reduce property flood risk and travel disruption in the locality) and also help to reduce the risk of pollutions in the wider environment, particularly considering the impact of climate change. Developers must liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. This must also ensure that the design of any SUDS or surface water management solution conveys exceedance flows away from public sewer networks. In the

longer term, Thames Water, along with other partners, are working on a strategy to reduce groundwater entering public sewer networks.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission:

'Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.'

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Water Comments:

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

With regard to water supply, this comes within the area covered by the Affinity Water Company.

9.20 Three Rivers District Council - Conservation Officer (16 March 2026): [Further information required]

The application is for Outline Application: Demolition of existing development and redevelopment of the Site, including the construction of up to 333 dwellings (Use Class C3) of which 50% affordable housing, 66 bed Care Home (Use Class C2), Medical Centre (Use Class E (e)), Local Centre [containing Retail (Use Class E (a-c)), Community Facilities (use Class F2) and Cafe (Use Class E(a))] and associated play space, parking and associated infrastructure. New vehicular access onto Shepherds Lane and pedestrian and cycle accesses onto Shepherds Lane and Berry Lane, bus stop, bike station, landscaping, pedestrian / cycleway access routes, green infrastructure including community amenity space, allotments, play areas, outdoor gym trail / equipment and associated infrastructure including sustainable urban drainage systems (all matters reserved except for access).

The Site does not contain any nationally listed buildings or Locally Important buildings, and no part of the Site is within a Conservation Area. The submitted HIA has described the Site

as containing grazing land, associated stables yards, barns and storage facilities to the north of Catlips Farmhouse and an area of woodland.

The submission is accompanied by a Heritage Impact Assessment (HIA) which has identified the following heritage assets which the proposal has the potential to impact:

- The Grade: II* listed King John's Farm, Penn Cottage, Penn Farm and Garden Wall (List Entry Number: 1100897), located to the west of the Site.
- Chorleywood Common Conservation Area, to the north of Berry Lane, beyond the northern boundary to the Site.
- Dapplere, Shepherds Lane, a Locally Important Building on the Three Rivers local list, close to King John's Farm (above) and west of the Site.
- Locally listed building (non-designated) south of Berry Lane, within the West Clayton Business Centre.

Grade: II* listed King John's Farm, Penn Cottage, Penn Farm and Garden Wall List Entry Number: 1100897

These have architectural and historic interest due to their age, form, level of survival and association with William Penn. The buildings at an elevated site level and there is little intervening development between them and the Site. However, the house does not appear designed to take in views over the open land and views from the property are well contained by the distance and intervening woodland. On this basis, the proposal would have an acceptable impact on the significance of the Grade II* listed buildings in heritage terms.

Chorleywood Common Conservation Area

The Conservation Area has a Conservation Area Appraisal (CAA) adopted in 2010. Its special interest is related to the open rural nature of the Common and the integration of the Common with surrounding built form which creates an area of architectural interest. The Site extends northwest towards the southeast corner of the Conservation Area, closest to Character Zone C of the Conservation Area. This covers part of Chorleywood Bottom and the lower edge of the Common, forming the southern section of the Conservation Area which has a rural character mixed with developed sections.

The submitted HIA acknowledges that the surrounding landscape, including the Site, contributes positively to the setting of the Conservation Area, partly in the undulating topography and long-range views, including those into the Site.

The HIA identifies two of the 'Important Views' in the CAA as being relevant to the proposal. While these are not numbered or annotated in the CAA, these are labelled as Viewpoints VP05 and VP06 in the submitted LVA (separate 'Verified View Document'). The HIA states that VP05 captures the relationship between the Common and the wider valley including the Site and allows intervisibility with the Site. However, it states that this is not a prominent view and intervening residential development is present. The second is VP06 which takes in visibility of Chorleywood Common and the Conservation Area from the north of the Site, which the HIA describes as not being interrupted by the proposal.

The HIA states that existing trees and hedgerows along Berry Lane and areas of Woodland and the undulating topography work to screen or curtail much intervisibility and that a proposed green buffer and set-back of development within the northern part of the Site will further aid this visual screening.

The HIA finds in conclusion that the proposal would only result in a smaller change to a wider setting of the Conservation Area and finds no harm to Chorleywood Common Conservation Area from the proposal.

However, there is an additional Important View in the CAA which is relevant to the proposal. This is an elevated view from Chorleywood Bottom just north of the railway bridge and the junction with Station Approach, looking south towards the Site. While most of the proposed

built form has been set behind the ridge of the slope, to avoid intervisibility, houses in the North Field Character Area sit forward/north of an existing tree line on the ridge of the slope. There is potential for intervisibility here which has the potential to impact the significance of the Conservation Area through erosion of its rural setting. It is recommended that an addendum is provided covering this viewpoint with at least wirelines of the proposed development and a related update to the HIA.

An additional consideration is in relation to access. It is noted that the vehicle access would be from Shepherds Lane to the south and that only pedestrian and cycle access would be permitted from Berry Lane to the north. This would have an acceptable impact on the character of the Conservation Area. Avoidance of additional vehicle access from Berry Lane is supported, as this would avoid an intensification of traffic and resulting urbanising impact on the edge of the Conservation Area.

Daplemere Shepherds Lane

Daplemere is a Locally Important Building. It is a two-storey house which may have seventeenth century origins and later alterations, which has local streetscape quality. There is no historic connection and limited scope for intervisibility with the Site and the proposal would have an acceptable impact on the Locally Important Buildings in heritage terms.

Building South of Berry Lane at West Clayton Business Centre

The building south of Berry Lane is a Locally Important Building. It is a vernacular building sits with a modern business centre. There are likely to be limited views towards the Site. However, the Site only makes limited contribution to its significance, and the impact in heritage terms is likely to be acceptable subject to details.

Farm Buildings within the Application Site

It is noted that the Site contains buildings related to Catlips Farm, including the original Farmhouse and barns (identified as buildings 1 and 5 in Section 2.3 of the D & A Statement), which date from the early twentieth century or earlier.

Three Rivers has Local List criteria which includes architectural interest, function, historical interest and landmark or landscape quality. The buildings on Site have not been identified as Locally Important buildings, but they may have relevant characteristics that qualify them for inclusion. NPPG Paragraph: 040 Reference ID: 18a-040-20190723 states that local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications.

The proposal would require clearing or complete loss of these buildings. It is recommended that further investigation and assessment is undertaken as part of an HIA addendum to establish whether they meet the relevant criteria as non-designated heritage assets.

Conclusion

To fully assess the heritage impacts of the proposal, further information as highlighted above should be provided. This relates to viewpoints from within the Chorleywood Common Conservation Area towards the Site. Also, further information regarding any heritage significance of existing farm buildings within the Site.

This response has been made with regard to Planning (Listed Buildings and Conservation Areas) Act 1990 Sections 66 (1) and 72 (1) and The National Planning Policy Framework Chapter 16 'Conserving and Enhancing the Historic Environment'.

9.21 Three Rivers District Council - Environmental Health (April 2026): [No objections, subject to conditions]

Air Quality

I have also reviewed the air quality report ref: AdO25200-R1-V2 issue Date 26/1/2026. I am satisfied with the conclusions drawn for the operational aspects of the report and there would not have any further queries or any conditional requirements.

Land Contamination

The Roberts Environmental Ltd Phase 1 assessment has been completed in support of the planning application for the proposed residential masterplan on land at Catlips Farm, Chorleywood.

The Phase 1 assessment identifies the Site as being in existing arable land use with no potentially significant contaminative sources identifiable. Historical potentially contaminative land uses have not been identified. It is however noted a scrapyard, waste storage/removal area is positioned in the Site centre, and a historical landfill is listed as being present on-site.

Ground conditions are recorded as comprising the Beaconsfield Gravel Deposits underlain by the Seaford and Newhaven Chalk Formations. The majority of the Site is within a groundwater Source Protection Zone (SPZ) 1, with the very northern Site portion within a SPZ 2. Groundwater abstractions are not within 1km of the Site. Surface water receptors are limited to a field drain 66m south.

Potentially significant ground gas sources have not been identified on-site or within the surrounding area with a low risk assigned to ground gas. Within the assessment Roberts Environmental have determined whilst a landfill is recorded on-site in addition to potentially infilled areas in the surrounding area given the age of infilling being >30 years the rate of ground gas generation is unlikely to be significant. It is however advised ground gas monitoring is completed to confirm the risk to users. Details as to the date of infilling for the landfill noted as being on-site have not been made available.

The preliminary conceptual model developed identify low risks for all potential pollutant linkages with exception of the following;

- Risk to future human health receptors from contaminants in the Made Ground associated with the scrapyard and agricultural use where soft landscaping is proposed. Risk Low to Moderate.
- Risk to controlled water receptors (Superficial and Bedrock Aquifer) from leachable contaminants present on-site from the scrapyard and agricultural use.

Overall a low to medium risk for the Site has been assigned to the Site for which as part of the required recommendations an intrusive ground investigation is specified

Assessment of compliance with LCRM

Assessment of compliance with LCRM identifies the completed Phase 1 assessment as being generally compliant. As identified in the report potential contamination sources have been identified notably the scrapyard area, and the potential on-site landfill for which intrusive investigation is required to establish whether significant contaminant concentrations exist and whether complete pollutant linkages to identified receptors exist. Prior to the intrusive ground investigation further research should be completed on the potential for the landfill on-site, we note a gravel pit is located on historical plans directly north east of the Site, there is potential this gravel pit located off-Site which the environmental report is identifying on-site.

Recommendations

An outline application has been made in which the Phase 1 Assessment has been submitted. We consider contaminated land matters at the Site can be dealt with by suitably worded conditions which require submission of the following documentation prepared in accordance with LCRM and submitted to the council for approval.

- A Tier 2: Generic quantitative risk assessment to investigate potential plausible contaminant linkages identified by the Tier 1 assessment. The scope of ground investigation shall be agreed with the LPA in advance of the works commencing;
- A Tier 3: Detailed quantitative risk assessment if the Tier 2 assessment identifies one or more potential contaminant linkages that need a detailed assessment;
- A Remediation Options Appraisal, Remediation Strategy and Verification Plan;
- A Remediation Verification report to demonstrate that risks have been reduced, the remediation objectives and criteria have been met, and the site is suitable for use.

9.22 Three Rivers District Council – Housing (17 March 2026): [Comment received]

Policy CP4 of the Adopted Core Strategy requires that 45% of new housing should be provided as Affordable Housing, unless it can be clearly demonstrated through financial evidence that this is not viable. As a guide, the tenure split should be approximately 70% rented (of which 70% should be social rent and 30% affordable rent) and 30% affordable home ownership.

The Local Housing Market Assessment (2024) outlines the recommended proportions for housing mix in development proposals submitted to Three Rivers District Council. These proposals should generally aim for a mix of 19% 1-bed units, 39% 2-bed units, 30% 3-bed units, and 13% 4-bed units.

However, the identified need for affordable housing, based on the current housing register and the family composition of customers in temporary accommodation provided by the Council, suggests the following updated preferred mix: 20% 1-bed units, 45% 2-bed units, 30% 3-bed units, and 5% 4+ bed units. The primary need is for 2-bed, 4-person units, as there is a significant demand for family-sized accommodation to ensure families in temporary housing are offered permanent, suitable properties in a timely manner.

Housing Services would be generally supportive of the proposed development, noting that it provides a good mix of family-sized homes and that 70% of the affordable housing is proposed as social rent, with the remaining 30% as affordable housing. This approach aligns with identified local housing needs, particularly the demand for larger family accommodation.

9.23 Three Rivers District Council – Landscape Consultant (to review LVIA): [Comment received]

Summary

Not supportive on landscape grounds	☒
No landscape objection, subject to attached recommendations and/or conditions	☐
Further information required prior to determination	☐

This review is based on a desktop study with a site visit undertaken on 14/04/2026, of the above-referenced application and its submitted documents. Our Landscape comments are as follows:

Site Context

The site at Catlips Farm is located approximately 200m west of the M25, and approximately 1km east of Chorleywood Station. It is an irregular shaped development site, stretching from Berry Lane in the north to Shepards Lane in the south. Just to the north of Berry Lane is the London Underground Metropolitan train line.

Pheasant's Wood in the east contains some designated Ancient Woodland. Chorleywood Common Conversation Area sits less than 100m to the north of the site. Chorleywood Common is also a Local Nature Reserve with numerous Public Rights of Way (PRoW) running through it. The common also contains a private golf course. The site is located in the Metropolitan Green Belt.

No PRoWs run through the site. There are trees with TPO's located across the site, principally clustered around the southern boundary of the site.

Further north of the common, the Chilterns National Landscape sits just over 1km from the site.

The site is undulating, particularly in the northern area which drops quickly down to the railway line and Berry Lane.

Planning Policy Context

Three Rivers Core Strategy (2011)

The site lies within the Green Belt, and any proposed development must have regard to current green belt policies, specifically Policy CP11 of the Core Strategy (October 2011) and Policy DM2 of the Development Management Policies Local Development Document (2013). In landscape terms, the following policies are also relevant:

Core Strategy (October 2011)

CP1: Overarching Policy on Sustainable Development

CP9: Green Infrastructure

CP11: Green Belt

CP12: Design of Development

Development Management Policies Local Development Document (2013)

DM1: Residential Design and Layout

DM2: Green Belt

DM6: Biodiversity, Trees and Landscaping

DM7: Landscape character

DM11: Open Space, Sport and Recreation Facilities and Children's Play Space

The site forms assessed parcel NCFS13 Catlips Farm (Chorleywood) which were deemed undevelopable in the Strategic Housing & Employment Land Availability Assessment (SHELAA) 2026, primarily due to being in an unsustainable location.

Three Rivers Landscape Sensitivity Assessment Addendum III 2026

The site was assessed in the above report as parcel NCFS13 Catlips Farm (Chorleywood). It was assessed to have Medium-High sensitivity to built development.

Chorleywood Neighbourhood Plan 2020

Relevant policies within the Chorleywood Neighbourhood Plan include:

Policy 2 – Characteristics of developments in the Parish (including Conservation Areas)

Landscape Character

Within the Hertfordshire County Council Landscape Character Assessment, the site is identified as Area 002 – Heronsgate Heights. Relevant key characteristics of the LCA are as follows:

woodland areas that flow over the slopes into the narrow dry valleys to the east

M25 major feature on the skyline to the east

sinuous though level plateau with considerable pasture and equestrian land

coherent settled pattern parkland areas, some in institutional uses

Chorleywood Common

Review of the proposal/submitted information:

Landscape and Visual Impact Assessment (LVIA)

The planning application is supported by an LVIA undertaken by CGLA Landscape Architecture, January 2026. It is noted that the LVIA is produced in response to pre-

application advice from Place Services in April 2025. The LVIA is produced generally in accordance with Guidelines for Landscape and Visual Impact Assessment 3 (GLIVA3) (2013), and the methodology is generally appropriate, with observations noted below.

Landscape Character

The LVIA correctly identifies the site as being within Area 002 – Heronsgate Heights.

The LVIA states: “The scheme has been designed as a landscape-led settlement extension, retaining key boundary vegetation, reinforcing woodland edges and responding to the wooded plateau character of the Heronsgate Heights landscape.” Whilst this is true in some respects, the site is unique within the landscape character area as it has localised undulations. The LCA states: “Degree of slope. Generally, less than 1 in 50 over the plateau. Locally up to 1 in 7 at Chorleywood Common.” The current layout does not respect the gradients of the site as development is located on some of the steepest slopes, to the north.

The LVIA states that the site is within NCA 110 Chilterns. However, the site straddles two National Character Areas. The site is predominantly within NCA 115 Thames Valley, with the northern section within NCA 110 Chilterns. We would expect to see both NCAs scoped into the assessment, to gauge the transitional qualities of the site.

We would also expect to see the Local Nature Reserve mapped out and the impact upon these assessed. Chorleywood Common is assessed for its recreational use, but not in relation to its Local Nature Reserve designation. Further mapping is required to understand the designations within the proposed assessment radius. The appropriate assessment radius has not been discussed.

Whilst the site does not sit within the Chilterns National Landscape, it is 1km away. It is accepted that intervisibility with the site from the National Landscape is unlikely, however we would have expected to see the National Landscape scoped into the assessment, in line with policy DM7: Landscape Character.

Visual Amenity

Whilst the text notes that the assessment has been scoped against a Zone of Theoretical Visibility (ZTV) this has not been included, so comments on whether the study area is appropriate cannot be made.

The LVIA states: “Landform and vegetation combine to create a contained visual envelope, with limited intervisibility between the site and the wider landscape.” This is a general statement and cannot be deemed relevant to the entire site, which has intervisibility from the northern parcels into Chorleywood Common and the southern parcels which are visible from PRoWs to the southwest (PRoW Chorleywood 29). It is accepted that the centre of the site, around the farm buildings, visibility is contained by the landform, woodland belts and settlements or infrastructure. We assess the impacts on PRoW (Chorleywood 30) to be adverse.

We welcome the additional viewpoints that have been provided during the consultation stage. However, these are produced when trees are in full leaf and as a result do not show the ‘worst case’ scenario. These views show that the development will be seen from Chorleywood Common (glimpsed views from PRoWs and clear views from permissive paths). However, the assessment of effects has not been altered in reference to the additional viewpoints.

We believe the long-term visual impacts on Chorleywood Common will be higher than negligible. This is due to development being placed over the ridgeline and visible from multiple PRoWs within the common, as well as amenity areas.

If development were kept closer to the centre of the site and behind existing established hedgerows it would have a reduced impact.

A Type 3 visualisation is requested from Viewpoint 09 from within Chorleywood Common to clarify the impacts, to be in line with Landscape Institute Technical Guidance Note 06/19.

Effects

We are generally in agreement with the way the effects have been assessed, although if the above elements discussed were to be scoped in, we believe the impacts would be assessed as more severe. We suggest effects on Landscape Character (slight adverse in long term) and visual effects on Chorleywood Common (slight adverse) should be assessed higher. In terms of the mitigation, it is noted within the LVIA that “development has been deliberately focused within the central and northern parts of the site”. However, there is large portions of development to the south. Also, focusing development to the north is also locating it near the sensitive receptor of Chorleywood Common. We expect the mitigation aims or the Parameter Plans to explicitly state the minimum standoff distances of 15m.

Tree Survey

Whilst an Arboricultural Impact Assessment (AIA) has been submitted, a full tree survey has not been. An arboricultural survey of the trees before any development is proposed is required. Also, within the tree survey/AIA we expect to see any trees with Tree Preservation Orders (TPOs) clearly identified, as currently the LVIA makes reference to TPOs but the AIA does not.

Layout

The net gain of publicly accessible space is welcomed, as is improved north to south pedestrian connections. Additional connections into the existing PRow network in the east are also welcomed.

Locating greenspace/play space in the centre of the scheme alongside the boulevard road is questioned.

Despite the LVIA describing the proposals as “landscape-led”, the proposals are of a rigid form, and it is not possible to see how the proposals respond to natural topography. The spot levels on topographic plan supplied with the application are illegible, but the site is particularly undulating in the northern parcel, where direct routes are shown to Berry Lane. It is questioned whether direct routes across steep slopes are achievable.

We expect to see more street trees within the proposals, in line with NPPF para 136. This is expected along the primary access road. We also expect to see the central boulevard to have trees lining both sides of the street to work effectively as a boulevard.

Summary

Overall, we have some concerns that the LVIA does not sufficiently scope in necessary receptors.

Following this we feel that assessment of landscape and visual effects have been undervalued.

Currently we have concerns that impacts from the northern, southern and eastern development parcels are not effectively mitigated.

In particular, we request a Type 3 visualisations from VP12 and VP13 to fully appreciate the impacts upon Chorleywood Common Local Nature Reserve, Conservation Area and Public Rights of Way Network.

We request information on TPOs to be included within the tree survey, this is in relation to Policy DM6 Biodiversity, Trees, Woodlands, Watercourses and Landscaping.

Recommended Submission Document(s):

If minded for approval, we advise that a Landscape Strategy is required. This document should set the overarching principles proposed as part of the scheme. This should include detail on mitigation measures (highlighted in the LVIA), retained landscape features, landscape enhancements and green corridors and connectivity. This should be accompanied by a detailed plan for long term management that details vegetation management techniques such as grazing, mowing and strimming.

From a landscape perspective, the Detailed Design Code should aim to encapsulate and recognise the essential integration of both green infrastructure and landscape principles. The Design Code does not however, provide a sufficient detailed breakdown of the typology of greenspaces and / or the landscape and character areas proposed. As a result, it is unclear how the character of these spaces, including [but not limited to] their functions, scale, materials, planting, play requirements, boundary treatments, SuDs features, facilities, natural surveillance, ecological enhancements, paths and cycleways, transitions, topography, drainage, etc will be guided as the level of information provided fails to set out clear and detailed design parameters to steer and guide future development proposals.

If minded for approval, we would expect the following palettes to be provided within the Detailed Design Code:

- Colour / materials (including building materials, streetscape / landscape materials, street furniture, play equipment, boundary treatments);
- Hard landscape materials (including all streetscape / hard landscape materials and surfaces, street furniture, lighting, service utilities and covers);
- Street furniture;
- Signage / wayfinding;
- Boundary treatments, including typologies;
- Tree planting (roots, branches, leaves, shading, species, tree pits / surface treatments); and
- Planting palette (including small trees and shrubs, structural planting, ornamental planting, ground cover planting, mown grass paths, wildflower meadow).

9.24 Three Rivers District Council – Leisure Development Team (16 March 2026): [Comment received]

These comments are given to help the development achieve the aims of Three Rivers District Council's Local and Strategic plans and National Policy Framework sections detailed below:

- Achieving Sustainable Development
- Promoting Healthy Communities
- Health and Wellbeing

Officers would recommend that:

1. Consideration needs to be made of play/physical activity provision that incorporates all ages including young people and adults.
2. Provision needs to include considerations for active play/physical activity in line with the council's play and sport and physical health strategies.
3. The 66-bed care home and medical centre have no provision, equipment or nature provision nearby and therefore equipment needs to be closer for any targeted activities to address mental health and well-being and physical activity requirements.
4. Consideration for the location of play areas in a more natural environment where there are young lungs at play (not near traffic).
5. More thought is given to the position of the pond so that it benefits the entire site e.g. care home and medical centre

- Outdoor leisure equipment must conform to the following standards:
 - Playground Equipment & Surfacing – BS EN 1176 & 1177

- MUGA's (Multi Use Games Areas) – BS EN 15312 – Free Access Multi Sports
- Skate Parks – BS EN 14974 – Roller Sports Equipment
- Outdoor Fitness Equipment – BS EN 16630
- Parkour Equipment – BS EN 16899
- New play spaces should be located with regard to areas of deficiency (and designed following the same principles as if they were being implemented by the local authority).
- Particular attention should be given to DDA compliant access to any leisure areas including pathways, seating and equipment as per the Equality Act 2010 (or the Disability Discrimination Act 1995 in Northern Ireland).
- Provision of sustainable active travel to support an active lifestyle, such as being bike friendly.
- Where leisure provision is made by the developers, design advice must be sought from Three Rivers Leisure team which must include DDA compliant access, details of installation, quality details of all materials used, adherence to RoSPA recommendations such as gates and fences etc and RoSPA inspection of installed pieces of equipment.
- Please consider vehicle access for maintenance of any leisure areas.
- Operator signs for any leisure areas will need to be included for reporting of maintenance or reparation issues.
- A full Risk assessment of any leisure equipment should be considered including for any water features in line with RoSPA.
- A RoSPA report or design risk assessment should take place of any proposed play and/or leisure equipment.
- Provision for the on-going maintenance of any leisure facilities should be detailed, particularly if it the developer plans to formally hand over to the leisure facility to the Parish Council or Three Rivers District Council. This must include DDA compliancy certification as per the Equality Act 2010 (or the Disability Discrimination Act 1995 in Northern Ireland)., details of installation, quality details of all materials used with the relevant certification, detailed maintenance guides for each piece of equipment, RoSPA inspection of installed pieces of equipment, adherence to RoSPA recommendations such as gates and fences etc.
- Officers would recommend that guidance on leisure facility planning (eg: Play England or Sport England) is sought from the relevant bodies and adhered to.

It is requested that the following condition is imposed which is based on:

(i) A detailed specification of the proposed equipment and other operations associated with leisure facilities, RoSPA assessment, ongoing maintenance and a programme of implementation.

Three Rivers District Council's Leisure team can provide examples of acceptable completed documents and contractor's specifications to the applicant to assist with meeting the requirements of the above condition.

9.25 Three Rivers District Council – Local Plans Team (12 March 2026): [Comment received]

The application site has not been allocated as a housing site by the Site Allocations Local Development Document (2014) and as such is not currently identified as part of the district's housing supply. The site should therefore be considered as a windfall site. Policy CP2 of the adopted Core Strategy (adopted 2011) states that applications for windfall sites will be considered on a case by case basis having regard to:

the location of the proposed development, taking into account the Spatial Strategy
the sustainability of the development and its contribution to meeting local housing needs
infrastructure requirements and the impact on the delivery of allocated housing sites
monitoring information relating to housing supply and the Three Rivers housing target.

The site is not within a defined settlement, although parts of the north of the site adjoins the Key Centre of Chorleywood and the south-east of the site is relatively close to the Key

Centre of Mill End (to the east of the M25). Given the existing use of the site as a farm, parts of the site is previously developed land, although the majority is greenfield land. The development would result in the net gain of up to 333 dwellings. The council cannot currently demonstrate a five-year supply of housing land as required by the NPPF and currently has a 1.7-year housing land supply. The delivery of up to 333 dwellings would make a significant and positive contribution to much needed housing provision within the district. Additionally, there has been an undersupply of affordable housing within the district throughout the plan period and as such there is a pressing need for the delivery of affordable housing. The submitted planning statement sets out that 50% of the dwellings would be affordable housing (although exact numbers would be confirmed at reserved matters stage), which would make a significant and positive contribution to the affordable housing need within the district.

The application site is located in the Metropolitan Green Belt. Paragraph 153 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 further sets out that 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. Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate unless certain exceptions apply. Paragraph 154 of the NPPF sets out the following exceptions to inappropriate development in the Green Belt:

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

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

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;

There is a demonstrable unmet need for the type of development proposed;

The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and

Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157

Policy CP11 of the Core Strategy states that 'there will be general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it'.

The council is undertaking a Stage 4 Green Belt Review, which has not yet been formally published. As part of the review, there will be an assessment as to whether edge of settlement Green Belt parcels are "provisional grey belt". It must be noted that the assessment of grey belt is a planning judgement, with each case assessed under its own merits, whereby planning officers may have a different outcome to the Green Belt Review.

Policy CP3 of the Core Strategy states that the council will require housing proposals to take into account the range of housing needs, in terms of size and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). The most recent version of the Local Housing Needs Assessment (LNHA) was finalised in 2024 and is the most recent update to the SHMA. The recommended mix for Three Rivers in terms of market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:

	1-bed	2-bed	3-bed	4+ bed
Market Housing	4%	21%	42%	32%
Affordable Home Ownership	19%	39%	30%	13%
Social / Affordable Rented Housing	20%	32%	35%	12%

It must be noted that Policy CP3 recognises that a proposed housing mix may need to be adjusted for specific schemes to take account of market information and specific site factors; where adjustment to the proportions is sought, applications should explain how relevant factors have contributed to the mix of housing proposed.

Policy CP4 of the Core Strategy requires 45% of all new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. Policy CP4 sets out that the council will "as a guide, seek 70% of the affordable housing provided to be social rented and 30% to be intermediate".

The east of the site adjoins a Local Wildlife Site. Policy DM6 of the Development Management Policies Local Development Document sets out that:

"Development that would affect a Site of Special Scientific Interest, Local Nature Reserve, Local Wildlife Site or protected species under UK or European law, or identified as being in need of conservation by the UK Biodiversity Action Plan or the Hertfordshire Biodiversity

Action Plan , will not be permitted where there is an adverse impact on the ecological, geological or biodiversity interests of the site, unless it can be demonstrated that:

The need for the development would outweigh the need to safeguard the biodiversity of the site, and where alternative wildlife habitat provision can be made in order to maintain local biodiversity; and

Adverse effects can be satisfactorily minimised through mitigation and compensation measures to maintain the level of biodiversity in the area.

The site was submitted to the Local Plan process via the call for sites process in January 2025. During the council's Part 5 Regulation 18 consultation in July-August 2025, the council stated that it had "significant concerns" about the site. The consultation document summarised that *"We have significant concerns relating to the development of this site, that mainly relate to the two potentially unsustainable single lane country roads that lead to it and the associated lack of public footpath access on these narrow lanes. While information has been submitted to address this in the form of a preliminary transport assessment, we are yet to consult statutory bodies on this. Further to this, the site lies in a gap between Chorleywood and Rickmansworth that could be considered bridged by this development. Any development would need to provide suitable mitigation to address issues relating to transport, access and impact upon adjacent Local Wildlife Site. Development would potentially be required to provide open space, children's play space, a primary school, community centre, local shops and a health centre/GP"*.

The site was **not** included within the emerging Local Plan Part II – Site Allocations document (January 2026), which identifies locations the council considers suitable for future development. At the 27 January 2026 Extraordinary Full Council, the Part II Local Plan document was agreed to proceed to Regulation 19 Consultation. However, on 5 February 2026, the council was issued a holding direction by the Minister of State for Planning and Housing preventing the council from taking *"any step in connection with the adoption of the Plan"*, including proceeding with the Regulation 19 consultation until the Minister reviewed the emerging Plan's evidence base. At the time of writing, this holding direction is still in place and the emerging Local Plan has not proceeded to Regulation 19 consultation.

9.26 Three Rivers District Council – Tree and Landscape Officer: [Not yet received]

No response received at the time of drafting report.

9.27 Three Rivers District Council – Urban Design Consultant: [Comment received]

Summary

The proposed development has been considered from an Urban Design perspective. Based on the submitted drawings, Design and Access Statement and other associated documents, our recommendation is as follows:

Recommendation:	Not yet supportive on urban design grounds

Our recommendation is set out in further detail below.

Policy Background

The National Planning Policy Framework Section 12 requires that developments: Create high quality and sustainable buildings and places.

- Function well.
- Are visually attractive as a result of good architecture, layout and appropriate landscaping.

- Are sympathetic to local character, including the historic built character, while not preventing increased densities.
- Create a strong sense of place through definition of streets and distinctive forms.
- Optimise the potential of the site to create an appropriate amount and mix of development.
- Create places that are safe, inclusive and accessible.
- Are consistent with the principles set out in the National Design Guide (NDG).

In addition, the following local policies applies:

Policy CP1, CP10 and CP12 of the Three Rivers District Council Core Strategy (October 2011).

Site Context

The site is located between Chorleywood and Mill End. It is understood to be a greenbelt site used for equestrian and agricultural purposes. Chorleywood Common and the railway line (including Chorleywood Station) are located to the north of the site, and the M25 bounds the site to the east. The site comprises a number of existing fields separated by vegetated field boundaries and there are also a number of footpaths and areas of woodland within and adjacent to the site.

Pre-application feedback was provided with a site visit and pre-application advice meeting on 27th March 2025, and this feedback was summarised in a written response in a letter dated 09th April 2025. Our response follows on from this pre-application advice.

Review of Submitted Information

The site is located within the Metropolitan Green Belt and in light of the green belt location, it is understood that there are wider planning challenges to overcome to ensure that the proposal is acceptable. It is further noted that the site forms part of assessed parcel NCFS13 Catlips Farm (Chorleywood) which were deemed undevelopable in the Strategic Housing & Employment Land Availability Assessment (SHELAA) 2026, primarily due to being in an unsustainable location. Our comments are focused on the urban design proposals for the site.

Outline Application

It is understood that access is part of the detailed consideration at the outline stage, and all other matters are reserved for future consideration.

In reviewing the supporting material, the application sets out a clear vision for the development. The application also includes a detailed analysis on the site's relationship with the local context in terms of access, site history, green infrastructure and local character as well as the site characteristics and site constraints and opportunities analysis which have been developed to inform the design approach. The inclusion of this information responds to Paragraph 16 of the National Design Guide to outline the design story for the proposals.

To inform the outline application the key design principles have been set out within the DAS and this has been translated into an illustrative masterplan, following pre-application and community consultation. A parameters plan has been developed to illustrate the design parameters that will inform a more detailed reserved matters application for the look and feel of the development. We have reviewed the submitted material and our comments are included in the sections below.

Access, Connectivity and Movement

Relevant NDG Principles:

- M1: Proposals should include a connected network of routes for all modes of transport.
M2: Proposed development should promote active travel.

Access and Wider Connectivity

The proposals indicate that vehicle access will be provided via one vehicle access point off Shepherds Lane, with a secondary emergency access provided off Shepherds Lane. The DAS outlines that Shepherd Lane is unclassified and to facilitate the development the proposal to introduce a series of highway improvements which include traffic calming measures, enhanced street lighting and upgraded footways. In terms of pedestrian access, there will be a series of pedestrian access points connecting to the surrounding road and footpath network.

Regarding access, connectivity and movement, the National Design Guide highlights that well-designed places create a connected network of routes which are safe, functional, limit reliance on the car and promote activity. Furthermore, local policy supports this approach with policies from the Three Rivers Core Strategy CP1 Overarching Policy on Sustainable Development (part I and M), CP10 Transport and Travel and CP12 Design of Development (part N) outlining the requirements for new developments.

In reviewing the proposals, it is considered that access, connectivity and movement are a core consideration at the outline stage and a challenge for the site due to the site constraints of the surrounding road and footpath network. The constraints include rural or single-track roads with no footpaths, tight hedgerow or fence boundaries and topographical constraints. Significant material and commentary has been provided to address the site's connectivity issues, which were highlighted at the pre-application stage and it is understood this has subsequently also been raised by other consultees and planning policy documents such as the SHELAA.

From a vehicle access perspective, it is noted that the site vehicle access has been located at the wider part of Shepherds Lane which is considered logical. However, there is concern that the quality of the road connections to Chorleywood is unlikely to support connectivity to the settlement the development it is closest to. Shepherds Lane and Berry Lane are both narrow and tightly bound by hedgerows which appear to restrict connectivity and resultantly vehicle movement will be directed to Rickmansworth instead. Furthermore, there will also be an increase in servicing and delivery vehicles using a poor road network. Resultantly, we have concern in the response to Core Strategy CP1 part M and the sustainability of this development.

It is also considered crucial for a development of this scale to prioritise active travel and there is a concern that the surrounding road and footpath network does not facilitate safe, functional and convenient movement. The submitted material includes a walking route video of the route from Chorleywood Station to the site. Whilst this is useful in terms of highlighting time taken, the video highlights unsurfaced sections, and narrow parts between hedgerows and fences which are unlikely to be suitable for all users or welcoming and safe at all times of the year or day and night. The final section is also on the carriageway of Shepherds Lane. The proposed development of 333no. dwellings plus 66 bed care home would generate well in excess of 1000no. residents. When considering this is the primary access route to nearby facilities there is concern that the active travel network is substandard for a development of this scale and it would push users into a reliance on the car. Resulting in a poor response to CP1 part L and M, CP10 and CP12.

Despite this, it is understood from the Addendum Highway Note and Active Travel England Planning Application Assessment Toolkit Report that the applicant is committed to upgrading the surrounding active travel network through improvements to the footways, lighting, traffic calming and 'quiet lanes'. Resultantly, we would default to the highway authority and sustainable transport officers in determining whether the proposed mitigation

measures are acceptable. We would, however, highlight the following range of guidance on creating high-quality active travel connections, which includes the National Model Design Code and National Design Guide Movement Sections, Sport England's Active Design Principles P1, P2, P3 and P4, Building for a Healthy Life Integrated Neighbourhoods and Manual for Streets, amongst others.

Internal Site Layout Connectivity, Permeability and Movement

In terms of reviewing the proposed layout response to connectivity and movement it is acknowledged that the parameter plan is the core document to assess at the outline stage. However, an illustrative masterplan has been submitted in support of the application to demonstrate how the proposed development could come forward and be accommodated on the site.

In reviewing the design development, the key design driver 1. Connected Neighbourhood Network diagram outlines an aspiration to provide a strong north-south connection and connections to the surrounding footpath network. This is considered to be a positive design driver. However, when overlaying this plan on the parameters plan and comparing the two plans, there is concern that the proposals do not fully respond to, or maximise, the potential for a north south connection or encourage connectivity to the footpath.



Whilst it is appreciated the diagram is illustrative, it is considered that the block structure, street and footpath network could be aligned better with pedestrian desire lines to facilitate equitable and legible connectivity to the identified footpath connections. Consideration should be given to the pedestrian desire lines to create legible and inviting pedestrian connections. There is the opportunity to use the street network, key green spaces and the block structure to set structural framework for a connected layout and at present the proposed parameter plan does not facilitate the design driver aspiration. Diagram Key Design Driver 1 overlayed with parameter plan.

Furthermore, if as a result of the pedestrian connectivity analysis and the site constraints, the approach to pedestrian movement has now changed, we would expect to see an update to the Connected Neighbourhood Network diagram and result changes to the parameter plan and illustrative masterplan.

When reviewing the illustrative masterplan in terms of movement and connectivity, there is further concern that the proposed layout does not respond positive to the National Design Guide and best practice design policy. There are a number of instances of poor responses to well-designed movement and connectivity design principles (See NDG Principles M1, M2, M3, P1, P2, P3, Core Strategy CP12 Part H, I, J, amongst others) and these are highlighted in the table below.

Layout Location	Comment
	The key east-west footpath and green space is backed onto by dwellings on both sides, creating a poorly overlooked movement route which raises concerns of safety and an unwelcoming nature with poor integration of a positive space and natural asset leading to a missed opportunity. The trim trail feature is backed onto and poorly activated by built form. This raises concerns around safety and overlooking.
	At the central part of the layout there is no formal segregated pedestrian and cycle footpath providing connectivity from the key pedestrian cycle route on the western boundary. This is the key connection to the wider area, and it is likely to result in convoluted routes and presents a missed opportunity in encouraging active travel. The central north south block is also considered to be a barrier to east-west movement as pedestrian paths are narrow and sufficient space to encourage a visual connection for legible movement has not been provided. (As highlighted by the red arrow).
	The key connection to the east is considered poorly designed. The route is backed onto by housing creating an unwelcoming poorly activated and overlooked access at a key connection. Furthermore, the route terminates at a hedgerow which creates a convoluted access into the site.

	Whilst not a formal designated footpath, the northeastern finger of development removes the existing movement route through the middle of the existing fields. This fails to respond to the site's context and is a missed opportunity for a flat and direct movement route.
	The perimeter pedestrian route and trim trail feature is backed onto and poorly activated by built form. This raises concerns around safety and overlooking. The approach further creates a poorly overlooked area of open space which is at risk of poor integration with the site and the potential for antisocial behaviour.

In addition to these highlighted issues, the layout includes streets dominated by parking, narrow pedestrian cut throughs which are poorly activate by built form and a separation of uses. These issues will be outlined in further detail in the layout sections below.

Overall, in terms of connectivity and movement, there are a number of challenges in integrating and connecting the site into Chorleywood and at present the design approach does not provide enough assurance that the proposal will prioritise, facilitate and encourage active travel modes. From a design perspective, there are missed opportunities within the layout to create a legible and connected movement network throughout the layout which have not been realised. We would encourage the applicant to readdress the parameter plan and masterplan in line with the above comments.

Layout

Relevant NDG Principles

C1: Proposals should understand and relate well to the site, its local and wider context.

M1: Proposals should include a connected network of routes for all modes of transport.

M2: Proposed development should promote active travel.

U3: Proposed development should be socially inclusive.

P1: Proposals should create well-located, high quality and attractive public spaces.

M3: Proposed developments should have well-considered parking, servicing and utilities infrastructure for all users.

At the pre-application phase, it was highlighted that site constraints such as topography, noise, ecology and landscape should be assessed to inform the siting of housing and structure of the layout. It is considered positive that further analysis has been included in the DAS and the layout has evolved since the pre-application stage. However, when reviewing the layout, there are a number of concerns around the approach to the proposed

and the structure provided. It is highlighted that Core Strategy Policy CP12 part D requires the balance of making efficient use of land whilst respecting the distinctiveness of the surrounding area.

When reviewing the structure of the layout there is a key concern that the internal hedgerow and trees surrounding the existing Catlips dwellings and farm buildings has been removed. Whilst a tree survey has been provided, this area falls outside of our specialism, and we would typically defer to Arboricultural and Ecological consultants. However, there is concern that the proposed layout does not accord with the Nature section of the National Design Guide, as it appears to fail to adequately integrate existing natural features into the site layout. There is concern that the collective removal of trees and hedgerows would result in a loss of a positive natural asset and to accord with the landscape led aspirations, the proposed layout should be designed around the site's natural features, not the other way around. The current arrangement of hedgerows provides an ecological corridor across the site and there is a missed opportunity to facilitate a green link through the proposals. The extent of the removal is highlighted on the below overlay:



In response to the arrangement of uses, it is noted that there has been a number of changes since the pre-application stage. The proposed layout now separates out different uses with a care home in the southwestern corner, the medical centre in the southeastern corner and a retail use in the central southern part of the site. This is different to the previously proposed central community hub approach which clustered uses at the centre of the site.

The National Design Guidance and National Model Design Code Use's sections highlight the desired approach to mixing uses where uses are clustered and co-located to ensure successful activity and vitality. This is further supported by Sport England's Active Design Principle 4 and the Building for a Healthy Life Facilities and Services section.

From an urban design perspective, there is a concern that the proposal fails to respond to best practice design and create the opportunity for a vibrant and successful community with non-residential uses contributing positively a central hub that is accessible for all and

contribute to a focal point for the site. The approach to separate out the care home and medical centre suggests a lack of integration within the site and the approach results in duplicating parking requirements, as opposed to sharing parking spaces. In terms of the retail, the imagery of the proposed community shop is considered positive, however, it is considered to lack detail in terms of access and servicing.

A significant change from the original layout concept is the treatment of open spaces. The layout has been revised to push the previously proposed central green park to the periphery. In terms of best practice design this also misses an opportunity to create a centrally located open spaces which contributes to the character, provides a focal point to the development and ensure equitable access for residents. It is considered important to respond to the character of Chorleywood, which is characterised by the development around Chorleywood Common as the central focal point open space. It is also considered a missed opportunity to not integrate a central open space to create a strong rural character for the scheme, that balances housing provision with open space, nature and activity.

On review of the block structure, it is unclear what design drivers have influenced the layout and block structure. The site is set within an irregular hedgerow network, and the surrounding urban grain is organic and rural in form and character. The proposed parameters plan development areas include rigid structures, and the illustrative masterplan includes rigid block structures with straight roads and geometric blocks.

Core Strategy Policy CP12 part D requires development to respect the distinctiveness of the surrounding area and the National Design Guide Context Principles C1 and C2. From reviewing the areas surrounding the site it is evident that the characteristics of the urban grain are organic, rural and follows the topography. This results in a layout that appears to have been imposed on the site, rather than shaped to fit the site characteristics and local vernacular. We resultantly have concerns around the integration within the site and Chorleywood context.

There is also a concern that the layout does not adopt a perimeter block structure as there are a number of incomplete blocks where the backs of dwellings front on streets and pedestrian routes, landscape spaces such as pocket parks and hedgerows. Where blocks are arranged to have back-to-back housing, there is often an inactive edge to one or two sides of the block, which undermines the quality and activity of the streetscape. Whilst there are positives to a more rigid structure, such as the efficient use of land, density and efficient movement, the layout should be contextually appropriate, and the layout fails to adequately respond to the local characteristics and existing site features.

Furthermore, there are also questions around the design of the layout in relation to the site's topography. Whilst there is a development platform of relatively level land on the southern and central areas, part of the site is irregular topographically. In the northeast wing of development, the blocks have been orientated perpendicular to the site's topography, and this may result in civil engineering challenges where retaining walls between dwellings are required. It is considered best practice to align dwellings with the site topography to allow for the placement of retaining walls between rear gardens.

Parking

The Design Code Section of the DAS outlines the approach to parking which is highlighted as "parking across the site is designed to be discreet and visually unobtrusive, ensuring that streets and public spaces are pedestrian-focused and landscape led".



The Design Code includes positive aspirations where parking is tucked to the side of dwellings, integrated within courtyard spaces, limited on street and tucked behind community facilities. However, the Design Code outlines the concept of parking courts within rows. This, however, is considered to be off-plot street frontage parking which results in long continuous rows of parked cars within the street scene. In reviewing Policy CP12 Part O and the National Design Guide Principle M3, this is considered to result in a dominance of parking within the internal streets. For example, the extracted block is surrounding by rows of parked cars and this will clutter the street and encourage use of the car. As highlighted above, this part of

the layout is a key pedestrian connection, and it is effectively lined with parked cars.

Best practice progressive approaches to car parking include the use of car barns such as [Woodstock North by PTE](#). However, at a minimum it is expected that car parking is effectively integrated into the layout with a mixture of parking typologies used to avoid the use of frontage parking and cluttering streets with parking cars. There are opportunities to use small-scale well observed parking courtyards to address the highlighted parking issues. In its current iteration, the illustrative masterplan does not give us the assurance that parking can be appropriately accommodated within the layout.

Placemaking and Architecture

Relevant NDG principles:

I2: Proposals should have well designed, high quality and attractive places and buildings.

I3: Proposals should create character and identity.

B2: Proposed development should have appropriate building types and forms.

Whilst it is appreciated that the proposal is at the outline stage and all matters on placemaking and architecture are to be considered at the reserved matters stage, we have reviewed the emerging architectural proposals. It is welcomed that an assessment of local character has been included within the DAS. This assessment identifies typical architectural features and materials, for Chorleywood Village, Chorleywood Common, Berry Lane and Stag Lane, Heronsgate/Long Lane Mill End and Moneyhill, and Dog Kennel Lane. This has then been developed into the character areas section which illustrates the emerging proposals. The submitted illustrations and CGI's are considered to include a number of positive architectural features and suggest a high-quality contemporary design approach. However, it is considered that further justification is provided on following:

- The relationship with local context and how the local architectural features have been brought into the design approach and character areas.
- The relationship with architecture and the layout to understand how placemaking has been considered. A placemaking plan which illustrates the treatment of nodes, landmarks, key corners, vistas and street frontages should be developed to ensure a high-quality place which is legible and has a strong identity and character is set within the design code.
- How built form features, roofscapes and materials will be used within each character areas.

- It would additionally be positive to see further clarification of where CGI imagery is located within the layout and ensure the proposals truly reflect what is illustrated on the layout. For example, the extent of car parking is often not included in the CGIs.
- There is considered to be further opportunity to retain, adapt or use the existing stable and barn buildings as either the retail focal point or to use the farmstead typology to inform parts of the layout by clustering and grouping dwellings in a farmstead arrangement to respond to the sites character and context.

It is considered further inspiration should be sought from precedent developments such as [Abode, Great Kneighton, Cambridge](#) (see images below), in the treatment of development edges.



Design Code

The DAS includes a Design Code section. In reviewing this, there is concern that the design code does not effectively operate to code the design features of the proposals. It is expected that an effective code is separate and a different from a DAS and the document is developed to operate as a framework to inform the detailed design parameters of a development and the future phases. The design code does not include mandatory design requirements or coding principles and uses language such as 'should' which loosely depict what may come forward on the site. It is encouraged that at the outline stage a robust design code is developed which locks in the specific design coding principles, which provides assurance to the LPA how development will come forward. Design coding is expected to be specific, numerical, visual and detailed covering all principles of the National Design Guide and National Model Design Code. Should the application be considered acceptable, we would encourage the inclusion of a design code condition to develop a more detail and higher quality design code that is developed in collaboration with the community and LPA.

Sustainability and Lifespan

Relevant NDG principles:

R1: Proposals should follow the energy hierarchy.

R2: Proposals should make a careful selection of materials and construction techniques.

In reviewing the DAS, sustainability is a key feature of the design vision and we welcome the aspiration for energy efficient homes, SuDS and an ecological landscape strategy.

However, for a development of this scale the proposed approach to sustainability lacks detail and is mostly focused on the ecological, biodiversity and landscape elements of sustainability and limited evidence has been provided into how sustainable design features, such as solar orientation, have influenced the layout and further information could be provided on energy use, building design and materials, use of renewables in line with Principles R1 and R2 of the National Design Guide.

Conclusion

In summary, and based on the submitted plans and supporting information, in its current form the outline design proposals do not provide sufficient evidence that a proposed development can come forward to accord with national and local design policy. As highlighted above, there are access and connectivity concerns to both the sustainable connection to the wider area and permeability and movement through the site.

The DAS, proposed parameters plan and illustrative masterplan do not provide assurance that the development has duly considered the site's constraints, opportunities and existing natural assets and features to develop a contextual, landscape-led proposal that integrates within the site and surrounding area.

The submitted illustrative masterplan includes a number of features that are contrary to design policy and best practice. This includes the treatment of development edges, block structure, overlooking and activation of public spaces and there are missed opportunities to co-locate uses and integrate open spaces features.

Furthermore, the submitted layout does not duly inform how parking can be appropriately accommodated on the site or provide assurance of how the best practice design features such as placemaking and sustainability have influenced the layout. We are additionally concerned that the Design Code element does not function effectively in coding the design principles for the future reserved matters application. Should the application be considered acceptable we would recommend a Design Code condition as part of the approval process.

As a result of our assessment at this stage, we would request that further review of the site characteristics, surrounding context, national and local design policy and best practice guidance documents, and precedent schemes are undertaken. We would then request that amendments are made to the layout in line with the above commentary, and alongside the further justification on the structural elements such as the topography, removal of hedgerows and connectivity before the development could be considered as appropriate from an urban design perspective. In its current form, the development is considered contrary to Core Strategy Policies CP1, CP10 and CP12, alongside Section 12 of the NPPF and the principles of the National Design Guide.

9.28 Transport for London (May 2026): [No comment]

Following internal consultation, the conclusion was that TfL have no comments to make on this consultation.

10 Appendix 2 – Maps from Green Belt reviews

Stage 1 Green Belt Review: Site is within Parcel SW9
(blue line indicates approximate extent of the site)



Stage 2 Green Belt Review: Site is within Parcel CH3
(blue line indicates approximate extent of the site)



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26/0194/OUT: Outline Application: Demolition of existing development and redevelopment of the Site, including the construction of up to 333 dwellings (Use Class C3) of which 50% affordable housing, 66 bed Care Home (Use Class C2), Medical Centre (Use Class E (e)), Local Centre [containing Retail (Use Class E (a-c)), Community Facilities (use Class F2) and Cafe (Use Class E(a)) and associated play space, parking and associated infrastructure. New vehicular access onto Shepherds Lane and pedestrian and cycle accesses onto Shepherds Lane and Berry Lane, bus stop, bike station, landscaping, pedestrian / cycleway access routes, green infrastructure including community amenity space, allotments, play areas, outdoor gym trail / equipment and associated infrastructure including sustainable urban drainage systems (all matters reserved except for access) at CATLIPS FARM, BERRY LANE, CHORLEYWOOD



Above: Image from google with approx. location of site edged red

Below: Image from submission document



Photo of view on Shepherds Lane under M25 toward site



Photo up Shepherds Lane. Site on right.



View down Shepherds Lane, site on left



View from high point of site looking north toward Chorleywood Common



Existing farm house and stable buildings



PLANNING COMMITTEE – Thursday 18 June 2026

26/0325/RSP – Part Retrospective: Erection of raised terrace area including associated steps, landscaping and plant room following alterations to existing rear patio, plant room and hard surfacing at Sandalwood, 7a Wolsey Road, Moor Park, Northwood, HA6 2HN.

Parish: Batchworth Community Council
Expiry of Statutory Period: 24.04.2026
Extension of Time Agreed: 23.06.2026

Ward: Moor Park and Eastbury
Case Officer: Alannah Stringer

Recommendation: That Part Retrospective Planning Permission be approved subject to conditions.

Reason for consideration by the Committee: The application has been brought in to committee at the request of Batchworth Community Council and Moor Park 1958 Ltd, given concerns and objections over impact on neighbours and ongoing planning enforcement.

To view all documents forming part of this application please go to the following website:
[26/0325/RSP | Part Retrospective: Erection of raised terrace area including associated steps, landscaping and plant room following alterations to existing rear patio, plant room and hard surfacing | Sandalwood 7A Wolsey Road Moor Park Northwood Hertfordshire HA6 2HN](#)

1 Relevant Planning and Enforcement History

- 1.1 20/2292/FUL - Part single, part two storey rear extension, first floor side extension, loft conversion including increase in ridge height, rear dormer windows to the rear, erection of porch, alterations to fenestration, render to exterior, new rear patio and alterations to driveway - Permitted - 30.12.2020.
- 1.2 **21/1370/FUL** - Variation of Condition 2 (Approved Plans) of planning permission 20/2292/FUL: (Part single, part two storey rear extension, first floor side extension, loft conversion including increase in ridge height, rear dormer windows to the rear, erection of porch, alterations to fenestration, render to exterior, new rear patio and alterations to driveway) to include alterations to fenestration - Permitted - 27.07.2021.
- 1.3 21/2425/FUL - Variation of Conditions 2 (Approved Plans) and 4 (Materials) of planning permission 21/1370/FUL: To include additional rear dormer, alterations to fenestration and change to materials - Permitted and implemented (with the exception of the rear patio and fenestration changes) - 10.01.2022.
- 1.4 22/0566/RSP - Part Retrospective: Formation and raising of terrace to rear garden and introduction of privacy screen - Withdrawn - 21.04.2022.
- 1.5 22/1309/RSP – Part Retrospective: Alterations to raised rear patio and rear garden levels including addition of plant room, boundary treatment and installation of privacy screens – Refused - 01.03.2023, for the following reason:

R1: The raised rear patio including the plant room results in unacceptable levels of overlooking to the neighbouring property at No.9 Wolsey Road which significantly erodes their privacy levels and therefore has a detrimental impact on their living conditions. In addition the proposed introduction of privacy screens by virtue of their siting, height and nature combined with the scale of the raised patio results in an un-neighbourly and overbearing form of development which would have a harmful impact on the visual amenity of the neighbouring occupiers at No.9 Wolsey Road. The development is therefore contrary

to Policy 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).

- 1.6 23/0747/RSP - Part Retrospective: Part single, part two storey rear extension, first floor side extension, loft conversion including increase in ridge height, rear dormer windows to the rear, erection of porch, alterations to fenestration, render to exterior and alterations to driveway. Permitted 22.08.2023.
- 1.7 25/1700/FUL - Demolition of the existing plant room building and construction of replacement plant room with pitched roof and erection of steps and new glazed balustrade. TRDC exercised its statutory power to decline to determine planning application. 10.10.2025.
- 1.8 25/1872/FUL - Alterations to existing rear patio and plant room - subsequent to dismissed Appeals ref: APP/P1940/C/23/3327298 and APP/P1940/D/23/3320782 to include removal of the existing plant room building and construction of alternative plant room with pitched roof together with alterations to existing raised access / patio areas / steps and new glazed balustrade. New boundary screening. TRDC exercised its statutory power to decline to determine planning application. 06.11.2025.
- 1.9 21/0167/COMP: Enforcement Investigation: Works not in accordance with planning permission 21/1370/FUL including land level alterations and erection of air conditioning units. An enforcement notice has been served and upheld at appeal. The notice has not been complied with and is subject to an on-going legal investigation.

2 Description of Application Site

- 2.1 The application site contains an extended two storey detached dwelling located on the northeastern side of Wolsey Road within the Moor Park Conservation Area.
- 2.2 The dwelling is a modern infill development between No.7 and No.9. The streetscene of Wolsey Road comprises detached dwellings of varied architectural design, located on relatively large plots. The application dwelling is however constructed close to the southeastern boundary. The land levels of the site drop from the front to the rear and the rear amenity space provision contains a number of mature trees.
- 2.3 The neighbouring property to the southeast (No.9) is also constructed close to the common boundary. No.9 sits forward of the rear most point of the application dwelling and is set on a slightly lower land level. The neighbouring property to the northwest, No.7, is set in a significant distance from the flank boundary, has a similar rear building line to the rear most point of the application dwelling and has a large bay window in the flank elevation facing the application site.
- 2.4 The unauthorised raised patio, plant room and associated concrete steps and surrounding concrete base remain in situ; however, it is of note that works are underway to remove the surrounding concrete base and concrete steps, as observed during site visits undertaken by several officers.

3 Description of Proposed Development

- 3.1 This planning application seeks part retrospective planning permission for the erection of raised terrace area including associated steps, landscaping and plant room following alterations to existing rear patio, plant room and hard surfacing.
- 3.2 The raised patio in situ measures 1.4m in height, 4.2m in depth and 13.1m in width; there is a recessed raised patio to the rear of the side extension which is approximately 1.4m in height and abuts the existing plant room which would also be demolished as a result of the

proposal. The alterations to the patio include the removal of the existing concrete steps (as required by the enforcement notice) and installation of a set of concrete steps sited centrally, which provide access to the land level of the garden lawn. To the flanks of the raised patio 1.8m mixed native hedging is proposed. Glass balustrades would also extend the depth of the patio to the flank adjacent to No.7 Wolsey Road, and partially to the rearmost edge.

- 3.3 The application proposal includes the removal of the unauthorised concrete base/hardstanding, and alterations to the land levels where the concrete base is situated. At present, the concrete base is raised marginally above the garden level and raps around the raised patio to the recessed side extension. The proposed alterations to land levels include the removal of the built-up composite, and reduction in height of the land levels by between approximately 0.5m and 0.1m, to lower than the pre-existing level.
- 3.4 The application proposes the removal of the unauthorised plant room, and the installation of a plant room abutting the southeast flank of the raised patio, which would measure approximately 1.5m in width, 13m in depth and a maximum height of 2.4m. The plant room would set in from shared boundary with the adjacent neighbour by approximately 6.2m. As above, the raised patio abutting the recessed side extension would be removed and replaced with steps down to the ground level from the rear elevation.
- 3.5 The table below compares the proposed development, to the previously approved development, and the unauthorised development in situ.

Current Proposal (26/0325/RSP)	Previously Approved Patio (20/2292/FUL)
Raised Patio Measurements: Depth 4.2m. Width 13.1m Max. Height 1.4m* <i>The depth would be reduced to 4.2m as a result of the removal of the two sets of concrete steps and projection.</i> Screening: Mixed native hedging permanently maintained at a min. height of 1.8m. Glass balustrades.	Raised Patio Measurements: Approved Depth 5.2m. Approved Width 13.6m Approved Height 1m. Screening: Raised planters and 1.8m high close boarded timber fencing.
<i>*It is acknowledged that the height of the raised patio as originally approved was 1m (as per the Officer's Report and the Inspectors Decision). Notwithstanding this, as shown on the comparative plans and expanded upon within the Overview/ Principle of Development Section of this report, the raised patio as proposed and as originally approved is set to (and projects at a level from) the ground floor level of the dwelling.</i>	
Raised Patio to Rear of Ground Floor Garage: Wholly removed and replaced with steps down to the lower ground level. Steps: Max Height: 1.4m Max Depth: 1.5m.	Raised Patio to Rear of Ground Floor Garage. A 1.4m deep raised area sited to the rear of the side projection.
Concrete steps:	Concrete Steps:

Located to the centre of the raised patio. Height approx. 1.4. Depth (projecting from rear of raised patio) approx. 1.5m. (Concrete steps in situ to be demolished).	Located to the centre of the raised patio. Height approx. 1m Depth approx. 1.8m (projecting 0.6m beyond rear elevation of raised patio)
Lower hardstanding/ concrete base: Concrete base in situ wholly removed; land levels reduced to below pre-existing level; application proposes hardstanding in L-Shape with new lawn between hardstanding and boundary with No.9 and lawn re-laid to rear of raised patio.	No lower hardstanding/ concrete base: Hardstanding/ pathway extending from flank of host dwelling to rear of garden, running along the shared boundary with No. 9 Wolsey Road approved.
Plant Room: Width 1.5m Depth 6.5m Monopitch Roof: Eaves Height 2m Ridge Height 2.4. Distance to shared boundary with No. 9 Wolsey Road: 6.2m.	No Plant Room Raised level of patio to the rear of the main aspect of the dwelling extends 1.4m beyond flank towards No.9 Wolsey Road (approved). Set approx. 2.3m from shared boundary.
Land Levels/ Alterations: Land level reduced to below pre-existing.	Land Levels/ Alterations: Alterations to land levels approved.

3.6 To better understand the differences described above, plan extracts are included in the **Overview/ Principle of Development** Section of this report [paras 8.1.1 – 8.1.9].

3.7 Following ongoing discussions with the agent and owners, amended plans were submitted during the course of the application which:

- Corrected discrepancies on the plans
- Amended the proposed hedging to mixed native hedging
- Removed a substantial portion of the lower hardstanding abutting the boundary of 9 Wolsey Road.
- Clarified the land level alterations and proposed a reduction in the land level between 9 Wolsey Road and the raised patio to below the pre-existing levels.

4 Consultation

4.1 National Grid (Gas): No response received.

4.2 Batchworth Community Council:

Response 1: 07.04.26 [No Objection]

BCC discussed and noted this application.

Response 2: 23.04.26 [Updated Comments – Objection and Call In]

UPDATED Consultee Comment from Batchworth Community Council:

Upon reflection and review BCC very strongly objects to this application. It is another application in a saga that has been ongoing since the approved application 20/2292/FUL was not complied with.

Patio and garden levels along with other changes were not in accordance with the approved plans and designs. This was highlighted by TRDC with an enforcement notice 21/0167/COMP.

In 2022 a retrospective application 22/1309/RSP to permit the raised patio was refused. An appeal against the refusal in 2023 (23/0021/REF) was dismissed as was an appeal against the 23/0034/ENFNOT against the raised patio enforcement notice.

This new application is another attempt to circumnavigate the planning rules and processes. Nothing has changed since the patio was built unlawfully in 2022-23. It is still unlawful and the applicant has scant regard for neighbours' privacy. This application must be refused and any further attempt should be dismissed until the enforcement is acted upon.

4.3 Moor Park 1958 Ltd:

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

The Directors of Moor Park (1958) Limited note the contents of this application and that some steps have been made to address some of the observations of the Inspector in the recent Appeal Decisions dismissing the application and upholding the Enforcement Notice. However, the major issues still exist and accordingly we strongly object to this proposal.

It is noted that the plant room has been moved to be slightly further away from the boundary with No 9 and the roof format has been changed so that it would not be accessible as a flat roof, however it is also noted that whilst the Inspector was concerned by the increase in the height of the patio beyond that previously approved, which was thought to be between 0.4m to 0.63m higher than previously approved this has not been addressed and the increase in depth of the patio by 1.4m has not been addressed either.

The Inspector identified the loss of privacy to No.9 as a result of the patio not being in accordance with the approved plans and raised concerns about the suggestion of privacy screening and the impact this would have on neighbours. It is noted that the current application, on some plans does not have privacy screening, however the proposed rear elevation still shows screening on the sides! However, on the Proposed South Elevation it would appear that 'hedging' is being provided on top of the patio. This is supported by the site and floor plans. No information has been provided as to how an adequate depth of soil is going to be provided to maintain such planting, nor how such planting will be maintained with an adequate supply of moisture as the hedging is not being planted in the ground.

It is also not understood that distance steps extend out into the garden from the patio has been reduced in from those that exist, but it is not understood how this is being achieved as the height of the patio itself has not been reduced.

It is not considered that the current application has addressed the major concerns raised by the Inspector in his Decision letter with respect to loss of privacy to neighbours, and with conflicting information being provided on the plans and lack of information relating to how hedging is to be maintained situated on top of the patio and going to be maintained and not die and be lost, and the patio not being reduced to its originally approved depth permission we object to the proposal.

5 Public/Neighbour Consultation

- 5.1.1 Number consulted: 6.
- 5.1.2 No of responses received: 2
- 5.1.3 Site Notice: Posted: 03.04.2026. Expired: 25.04.2026.
- 5.1.4 Press notice: Published: 03.04.2026
- 5.1.5 Summary of responses: 1 Objection:

Concerns were raised regarding the following:

- *Significant negative impact on neighbouring amenity by virtue of overlooking which would also negatively impact the well-being of neighbours.*
- *The level of overlooking would be greater than that established in the fallback position.*
- *The development would be overbearing and visually intrusive and a lack of screening between the properties along the boundary (damaged hedge)*
- *The proposed development is a dominant expansion of the rear patio area which results in unacceptable levels of harm to neighbouring properties.*
- *It is requested the new rear patio area to the rear of the ground floor garage is removed as this will have a significant impact on the residential amenity of No. 9.*
- *Significant concerns regarding increased footfall and more frequently used vantage points along the boundary resulting in greater overlooking.*
- *Concerns regarding maintenance of the proposed hedging/ screening – the use of hedging for screening is against local policy and cannot be relied upon to prevent overlooking.*
- *No.9 Wolsey Road is at a lower land level and the 'new raised patio' area would result in direct overlooking, and would likely be used for socialising and events.*
- *The cumulative impact of unlawful works have resulted in significant detriment and should be considered in the planning balance, these include:*
 - *Walk out area to rear on to roof.*
 - *No obscure glass to side elevation*
 - *4 panel windows rather than a 3 panel window on the front elevation which overlooks the bathroom*
 - *Depth of patio is 1.4m greater and 2.5m wider than approved*
 - *Height of patio is 0.5m higher than approved.*
- *In addition, the land levels have been raised across the garden*
- *Damage to the hedge to the shared boundary resulting in greater overlooking. Reliance on screening to this shared boundary should be afforded no weight as the hedge is not within the ownership of the applicant.*
- *The development would be in clear contravention of the Council's policies and should be refused.*

6 Reason for Delay

- 6.1 Amended plans received to omit a proportion of the hardstanding between the raised patio and shared boundary with No. 9 Wolsey Road, and to clarify the alterations to land levels (reduction in land level).

7 Relevant Planning Policy, Guidance and Legislation

7.1 National Planning Policy Framework and National Planning Practice Guidance

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

The NPPF 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).

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

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

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

The Environment Act (2021).

7.2 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP3, 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, DM3, DM6, DM13 and Appendices 2 and 5.

The Batchworth Neighbourhood Plan 2023-2038 (Referendum Version, January 2025). Relevant policies include Policies BW GB1 and BW DE1 and Appendix 1 (Design Code). Moor Park is defined as Character Area 5.

The Moor Park Conservation Area Appraisal (2006)

8 Planning Analysis

8.1 Overview/ Principle of Development

- 8.1.1 Planning permission was granted under planning application 20/2292/FUL for various works and extensions to the house. The previous description of the development (where relevant to the development proposed within the current application) is included below:

*The development would also include **alterations to land levels to the rear and creation of a raised patio to the rear. The patio and raised planter area would project a total of 5.2m beyond the rear line of the extension and have a width of 13.6m to cover the width of the main aspect of the dwelling. A 1.4m deep raised area would be sited to the rear of the side projection.***

- 8.1.2 During the course of the build, a complaint was received which alleged that the works were not in accordance with the planning permission 21/1370/FUL, including land level alterations and erection of air condition units. An Enforcement Case was opened (Council Ref. 21/0167/COMP). Following a number of site visits, several breaches of planning control were identified by Officer's, which the Owners have since attempted to formalise via several planning applications.
- 8.1.3 Two further applications for variations to the above approved scheme were approved (application references 21/1370/FUL and 21/2425/FUL; however, these did not include amendments to the raised patio, steps or landscaping).
- 8.1.4 Following ongoing correspondence with the owner(s) and agent(s), a part-retrospective planning application 22/0566/RSP for alterations to raised rear patio and rear garden levels including addition of plant room, boundary treatment and installation of privacy screens was submitted, and subsequently refused on 01 March 2023 due to the impact on neighbouring amenity (see para 1.5 for the full reason for refusal).
- 8.1.5 Following the refusal of the application, an Enforcement Notice was served on 25 July 2023 which set out two options for the required actions:

Option 1

1. *Remove the enclosed plant room, raised rear patio including associated concrete steps (x2) and concrete base (as shaded in blue on the attached photographs).*
2. *Following compliance with the above step, remove from the Land all debris and waste materials resulting from the above requirements.*

Option 2

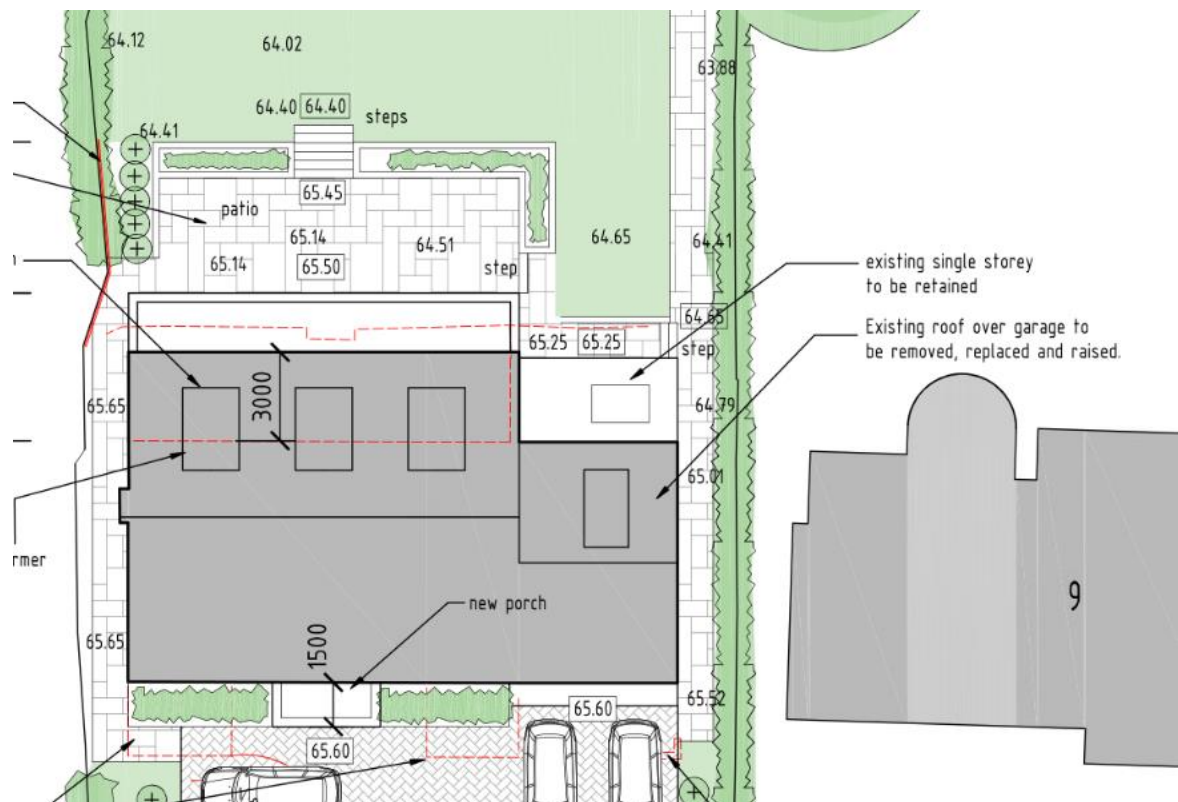
1. *Remove the plant room, concrete steps (x2) and concrete base (as shared in blue on the attached photographs).*
2. *Following compliance with Step 1 above, construct a raised patio so it fully accords with the approved plans that form part of the Planning Permission: drawing reference 1360/P/2 M (Proposed Floor Plans and Elevations) and 1360/P/3 H (Proposed Site Layout and Location Plan).*

3. Following compliance with the above Steps, erect a 1.8m high timber privacy screen for the length of the patio and planters as shown by the solid red line on the attached drawing reference 1360/P/3 H (Proposed Site Layout and Location Plan)
4. Following compliance with the above Steps, remove from the land all debris and waste materials resulting from the above requirements.

8.1.6 In turn, the applicants subsequently appealed the decision to refuse planning permission (22/1309/RSP) and the enforcement notice (21/0167/COMP). Both appeals were dismissed, and the enforcement notice was upheld, on 03 June 2025. The appeal decision is appended to this report.

8.1.7 **Within the Inspector's Decision**, the main issue highlighted was the effect of the development on the living conditions of the occupiers of the neighbouring property, No.9 Wolsey Road, giving particular regard to the impact on privacy and outlook.

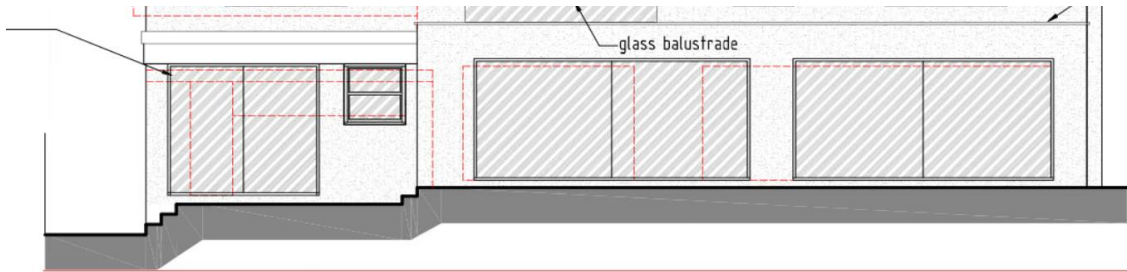
8.1.8 **The extracts from plans and photographs below** illustrate the differences between the proposed development, previously approved development, and the unauthorised development in situ:



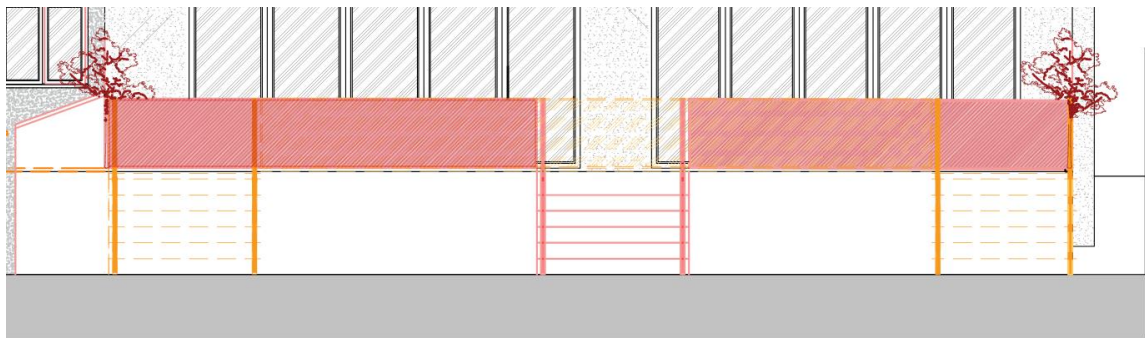
1 - Raised Patio Approved under 21/2425 (20/2292/FUL)

the dwelling has been established. In addition, the Enforcement Notice is in place and requires the applicants to construct the patio as indicated via Figure 1 above. As such, **it is considered that the previously approved raised patio and screening is a material planning consideration and would form the baseline of assessment.**

- 8.1.10 Furthermore, with regards to the height of the raised patio, it is also considered that the principal of a raised patio level with the floor level of the rear extension has also been established, as indicated on the plans below:

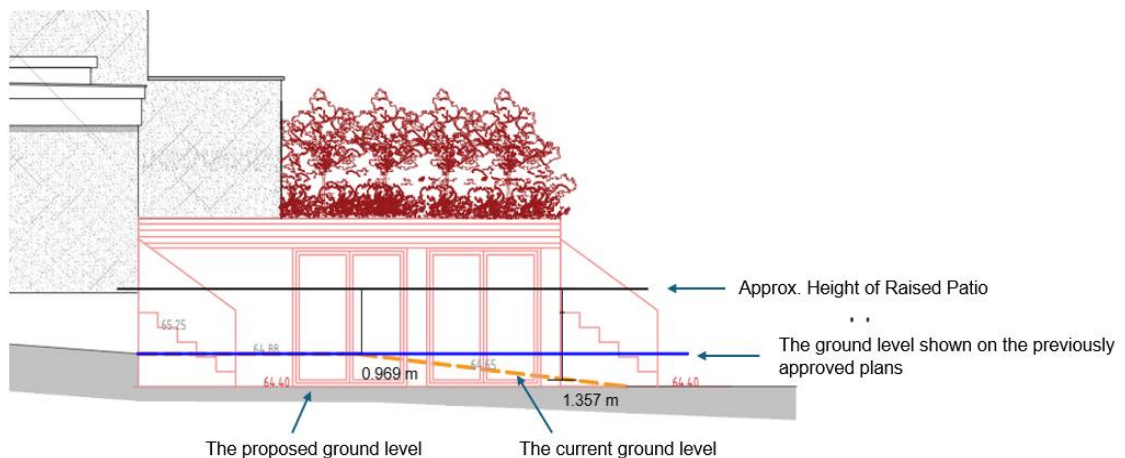


5 - Raised Patio Near to Floor Level [Proposed Rear Elevation] 21/2425 (20/2292/FUL)



6 - Raised Patio Near to Floor Level [Proposed Rear Elevation] 26/0325/RSP

- 8.1.11 The discrepancies between the previously approved height and the proposed height (and height in situ) appears to be related to the adjacent land levels, as can be seen on the comparison between the previously approved and proposed plans below:



- 8.2 Design and Impact on the Host Dwelling, Street Scene and Conservation Area
- 8.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets.'
- 8.2.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling.
- 8.2.3 With specific regard to the proposed development, the Design Criteria within Appendix 2 of the DMP LDD (2013) sets out guidance for extensions to properties. Generally, extensions must not be excessively prominent, respect the character of the dwelling and street scene and not result in a loss of light to, or overlooking of, neighbours.
- 8.2.4 Policy DM3 of the Development Management Policies LDD relates to Conservation Areas and advises that development should preserve or enhance the character and appearance of the Conservation Area. The Moor Park Conservation Area Appraisal is also relevant and provides specific advice in order to retain the special character and appearance of the area.
- 8.2.5 Policy BW DE1 sets out that new development in the Batchworth Neighbourhood Plan area shall be based upon a design-led approach to development underpinned by good practice principles and reflecting a thorough site appraisal and respond positively to guidance and principles established in the Batchworth Neighbourhood Design Code.
- 8.2.6 A number of comments have been received during the course of the application; however, these primarily relate to the perceived impact on neighbouring amenity and do not relate to the design and impact on the host dwelling, street scene or Conservation Area. The raised patio including associated steps, landscaping and plant room following alterations to existing rear patio, plant room and hard surfacing would be sited wholly to the rear of the property. Whilst the Conservation Officer has not been formally consulted on this application, no previous objections have been raised to the principal, siting or scale of the previously approved (20/2292/FUL) raised patio by either Moor Park 1958 Ltd or the Conservation Officer. The proposed patio, steps, plant room and hard surfacing would be located wholly to the rear of the property and would broadly reflect the character and design of the host dwelling. Furthermore, it is of note that there was a pre-existing patio in situ prior to the original development being undertaken, and the patio as approved via planning application 20/2292/FUL was of a similar siting, scale and design, albeit 0.4m lower in height. As such, no objections are raised to the proposed alterations to the raised patio, and it is not considered that this element of the development would result in harm to the special character or appearance of the Moor Park Conservation Area.
- 8.2.7 The proposed plant room would be of a limited scale and would extend approximately 1.5m from the flank of the raised patio towards the southwest boundary. The plant room would have a monopitch roof, and it is considered that the plantroom would largely blend into the overall existing and proposed development, as such it is not considered that such harm would result from this element of the proposal on the grounds of character. Furthermore, the proposed planting would soften the appearance of the plant room, patio and associated hardstanding, and the plant room would be set in from the adjacent shared boundary by approximately 6.2m, such that although the application site is at a slightly elevated land level comparative to the neighbouring property, it is not considered this would result in overtly prominent development. The impact of the proposed development on neighbouring properties is considered explicitly in the following section.

- 8.2.8 In summary, the proposed development would not result in any adverse harm to the character or appearance of the host dwelling, street scene or wider area. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (2013) and the Batchworth Neighbourhood Plan 2023-2038 (Referendum Version, January 2025).
- 8.3 Impact on Neighbours
- 8.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 8.3.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 8.3.3 A number of concerns have been raised regarding the perceived unneighbourly impact of the proposed development, which are set out from Para. 4.2 – 5.1.5 of this report. A brief overview of the objections and the main areas of concern raised by Batchworth Community Council, Moor Park 1958 Ltd and Neighbours are set out below for ease of reference:
1. Non-compliance with enforcement notice and previous planning permissions; application is an attempt to circumvent enforcement and planning procedures.
 2. The proposed patio is higher and of a greater depth than the previously approved application 20/2292/FUL.
 3. Plans are inaccurate/ conflicting.
 4. Hedging maintenance is unclear and landscaping cannot be relied upon for screening.
 5. Unacceptable levels of harm to neighbouring amenity by virtue of overlooking and prominence; exaggerated by footfall and socialising/events to lower patio.
 6. Lower patio and plant room should be removed in its entirety.
- 8.3.4 With specific regard to (1) – as set out in the Relevant Planning and Enforcement History section of this report, TRDC has previously exercised its statutory powers to decline to determine a planning application twice in 2025 (applications 25/1700/FUL and 25/1872/FUL). Following further revisions to the proposal, it was considered that the current proposal was sufficiently different to the development in situ such that the application could proceed to validation and assessment to be determined in line with Local and National Policies and all other material planning considerations. Further to the submission of the application, additional amendments were requested and received, which has resulted in the removal of a substantial proportion of the lower patio area adjacent to the boundary abutting No.9 Wolsey Road. It is also of note that Enforcement Notice remains active and has not been withdrawn and is being dealt via the proper procedures and practices via Planning Enforcement Officer's. As established within the Overview/ Principle of Development section of the report, the works required by the Enforcement Notice will form a material planning consideration in the determination of this application.
- 8.3.5 With specific regard to (2), as set out within the table within Section 3: Description of Proposed Development of this report, the proposed patio which is located to the rear of the main aspect of the dwellinghouse would have a depth of approximately 4.2m which is approximately 1m shorter than the raised patio previously approved via application (20/2292/FUL); the height of the proposed patio would appear approximately 0.4m greater

in height than that which was previously approved due to the alterations to the adjacent garden land levels (which are depicted within the Overview/Principle of Development Section of this report), and the overall width would be approximately 0.5m less than approved.

- 8.3.6 It is acknowledged in accordance with (3) that the original plans submitted were inaccurate with differing depths shown, and the landscaping/ screening inaccurately depicted across different plans. Following ongoing discussions with the applicant and agents, amended plans have been provided which clarify these discrepancies.
- 8.3.7 Points 4 – 6 will be addressed in the following analysis.
- 8.3.8 As above, the current proposal would appear approximately 0.4m greater in height given the alterations to the adjacent land levels; however, the patio would be approximately level with the ground level of the rear extension, as previously approved. In addition, the proposed patio would be 1m shorter in depth; the distance from the adjacent boundary to No.9 Wolsey Road would be approximately 7.4m, which is the same as that which was previously approved. With regards to the increase in height, the Inspector for the Planning Appeal 3327298 and 3320782 set out in their Decision to dismiss the appeals and uphold the enforcement notice, the following:

11. 'Having viewed the development and its surroundings from the raised patio and having viewed the development from the indoor and outdoor space to the rear of the neighbouring property, No. 9, I consider that the significant height of the raised rear patio provide those who use it the opportunity to overlook the neighbouring property. Furthermore, being flat roofed, the plant room provides an elevated platform on which to stand or sit and this would further exacerbate this situation. While there is natural screening in place, this does not alleviate the issue particularly when the distance between the appeal development and the neighbouring property is limited.

12. Overall, I find that the appeal development erodes the neighbouring occupier's personal space and is harmful to their privacy, particularly as both the conservatory and patio are positioned close to the common boundary with the appeal site. While, as suggested by the appeal, the use of the plant room roof could cease by the installation of a privacy screen, and use of screening may well mitigate the loss of privacy to a degree, this would likely have a negative impact on the amount and quality of natural light to No.9. Furthermore, the proposed introduction of 1.8m privacy screens, by virtue of their positioning atop the raised patio and their collective height, would result in an unneighbourly and overbearing form of development which would have a harmful impact on the outlook of the neighbouring occupiers, particularly those at No.9.

13. While I consider that the increase in the height of the garden levels between 0.3m and 0.6m does not facilitate overlooking... the development as a whole is contrary to Policy...'

- 8.3.9 The Officers Report for the original proposal (20/2292/FUL) set out the following regarding the raised patio and associated screening:

The development includes a raised patio to the rear of the dwelling. The proposed raised patio would have a height of approximately 1m above the existing adjacent land levels. The proposed patio would be set in approximately 7.4m from the boundary with No.9 which would prevent unacceptable overlooking into this neighbouring property. The patio aspect to the rear of the southwestern elevation would be of the same height as existing and would be of a depth that would only provide access and would not permit unacceptable overlooking into No.9. In relation to No.7 the proposed patio would be set higher and closer to the boundary with this neighbouring property. The plans indicate fencing that would prevent overlooking into

No.9 however that fencing did not exist on site and is not shown on the proposed floor plans and would be required to be constructed along the flank of the patio. As such, any planning permission would require details of a screen to be submitted prior to first occupation to prevent overlooking from the patio into No.7. The screen would be set in from the common boundary and only cover a depth of 2.7m thus would not harm to the Conservation Area or amenities of the neighbouring properties.

8.3.10 The key differences between the refused scheme and the proposed development are set out below:

- Plant Room Proposed: Set 6.2m from boundary; monopitch roof, narrow (roof inaccessible).
Plant Room Refused: Set 3.2m from boundary; flat roof (acts as patio extension)
- Raised Patio Proposed: Set 7.4m from boundary; mixed native hedging screening; patio to rear of garage demolished/removed. 1.4m height. Max depth 4.2m.
Raised Patio Refused: 5.9m from boundary; 1.8m timber screening; raised patio to rear of garage sited approx. 3.6m from boundary. 1.4m height. Max depth 5.2m.
- External Steps Proposed: Centrally located.
- External Steps Refused: Located abutting the flanks of the raised patio.

8.3.11 As part of the application, the existing walk out area to the rear of the patio doors to the southwest side extension at the ground floor would be removed and replaced with steps down to a lowered ground level. It is considered that the stairs would act as a passing point between the dwelling and the garden and would not allow for unacceptable or continued levels of overlooking towards No. 9 Wolsey Road. Given the location of the proposed steps, it is not considered that this would result in harm to No. 7 Wolsey Road.

8.3.12 At the bottom of the stairs, it is proposed that the land level is reduced by between approximately 0.5m and 0.1m and an L-Shaped hardstanding walkway is proposed. This walkway would wrap around the bottom of the stairs from the flank of the property and would then run parallel to the proposed plant room. Given that the proposed walkway would extend approximately 0.7m beyond the rear of the proposed steps and extend 1.2m beyond the plant room towards the shared boundary with No.9 Wolsey Road, it is not considered that this element of the proposed would result unacceptable levels of overlooking. As set out in the Inspectors Decision, an extract of which is included above, the height of the garden level was not considered to result in overlooking; further to this, the application proposes that a lowered ground level is re-instated to ensure any perceived impact is mitigated. Whilst concerns that this area would be used for socialising, the scheme has been amended so that the patio area adjacent to the boundary with No.9 Wolsey Road is proposed to be wholly removed and replaced with lawn, which would further reduce the perception of overlooking from this area. Although the future use of the lawned area cannot be confirmed, the removal of the patio is considered to sufficiently mitigate the perception of overlooking from the lowered vantage point. It is also noted that the previously approved application allowed a hardstanding footpath to extend the entire depth of the boundary, and it is considered that the proposal would be a material improvement on these circumstances.

8.3.13 Abutting the raised patio a narrow plant room is proposed. The plant room would front towards the neighbouring boundary; however, the room is not habitable and would comprise of plant equipment for the functioning of the dwelling (i.e. gas and electrics), and therefore no overlooking would occur as a result of the location of the plant room. It is also considered that the set back from the boundary and design of the plant room is such that it would not appear overbearing nor prominent. The proposed plant room would result in the removal of the existing unauthorised plant room, and would not have roof access, which would ensure that there are no walk-out or accessible raised levels within 7.4m of the shared boundary with No.9.

- 8.3.14 The proposed alterations to the raised patio would result an increased set back from the adjacent shared boundary to a maximum distance of 7.4m. This is as per the distance which was previously approved via application 20/2292/FUL. Whilst the proposed raised patio would maintain a depth of 4.2m, this would be representing a 1m decrease in depth compared to the aforementioned permission. Given the decrease in depth, and that the perceived increase in height of 0.4m relates primarily to alterations in land levels and would be similarly situated as per the previously approved plans, the development is not considered to result in such harm by virtue of overlooking, subject to a condition which ensures that sufficient screening is installed to the flank boundary of the raised patio.
- 8.3.15 Although it is acknowledged that the height of the raised patio contributed to the Inspector's reasons to dismiss the appeal, the discrepancies in height have been explored above, and a substantial proportion of the patio between the flank of the rear extension and the shared boundary with 9 Wolsey Road would be removed as a result of the proposal such that the circumstances are materially different, and the raised patio would be set in some additional 3m from the shared boundary. Given the material change in circumstances, and the proposed screening, it is not considered that the proposed development would result in materially greater harm than the previously approved proposal, which is a material planning consideration and establishes the principal of development. Furthermore, whilst comments stating that hedging cannot be relied upon for satisfactory screening, the proposed mixed native hedging is considered to be sufficient for the purposes of preventing overlooking, subject to a condition that this is implemented prior to the first use of the patio and given the increased distance from the shared boundary. In addition to the above, the concrete steps in situ are to be demolished and replaced with central steps which would create additional mitigation to the perception of mass and overlooking.
- 8.3.16 As such, it is considered that the proposed scheme is materially different to that which was previously refused and would represent a material improvement with regard to screening comparative to the previously approved application. In addition, the proposed alterations are also considered to represent an overall improvement on the works required by the enforcement notice.
- 8.3.17 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring occupier, and the development would therefore be acceptable 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).
- 8.4 Biodiversity
- 8.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 8.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected because of the application.
- 8.4.3 In summary, the proposed development is acceptable in accordance with Policy CP9 of the Core Strategy (adopted 2011) and Policy DM6 of the Development Management Policies document (adopted 2013).

8.5 Mandatory Biodiversity Net Gain

- 8.5.1 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, and an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).
- 8.5.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development.

8.6 Trees and Landscaping

- 8.6.1 Policy DM6 of the DMP 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. The application site is located within a Conservation Area and there are protected trees within 5m of the proposed land level alterations and zones where demolition is required to take place to relay lawn. As such, it is considered appropriate to attach a pre-commencement condition requiring the submission of Tree Protection Plan to be approved in writing by the Local Planning Authority.
- 8.6.2 Furthermore, given that the installation of native hedging is required for screening purposes to adequately safeguard neighbouring amenity, it is also considered appropriate to attach a condition requiring the submission of a soft landscaping and maintenance plan including details of all proposed species, their initial planting height and future maintenance (to ensure the planting is maintained at a level above 1.8m for the landscaping on the raised patio) within 14 days of the granting of any subsequent permission. The requirement of submission within 14 days is considered reasonable and appropriate given the harm resulting from the existing development which is required to be removed by the active Enforcement Notice (of which the compliance date has been exceeded), and that which would result from the proposed raised patio without satisfactory screening.

8.7 Rear Amenity

- 8.7.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 8.7.2 The proposed development would not increase the number of bedrooms nor alter the amount of amenity space retained. As such, the application is acceptable in this regard.

8.8 Highways and parking provision

- 8.8.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.
- 8.8.2 No alterations are proposed to the existing parking arrangements, and no additional bedrooms are proposed as part of this application. As such, the application is acceptable in this regard.

9 Recommendation

- 9.1.1 That **PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED** subject to the following conditions:
- C1 The development hereby permitted which has not taken place as of yet shall be carried out in accordance with the following approved plans: 5755 PL003 - REV F, 5755 PL001 - REV D, 5755-PL002 REV C.
- 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 Within 14 days from the date of the decision, a soft landscaping and maintenance plan including details of all proposed species, their initial planting height and future maintenance (to ensure the planting is maintained at a level above 1.8m) for the landscaping on the raised patio shall be submitted to and approved in writing by the Local Planning Authority.
- All landscaping works required by the agreed soft landscaping and maintenance plan shall be carried out within THREE MONTHS from the date of the decision hereby permitted and shall be maintained thereafter including the replacement of any trees or plants which die, are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species as initially agreed within the soft landscaping and maintenance plan.
- Reason: In order to safeguard the residential amenities of No.9 and to ensure that all elevated landscaping is satisfactorily maintained 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 Policies DM1, DM3, DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- C3 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.
- The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.
- Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction 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).
- C4 Within 3 months from the date of decision, the following actions shall be undertaken:
- a) The existing lower patio/ concrete base, plant room, concrete steps and raised

patio to the rear of the side extension, as shown on the Existing Site Plan [Drawing No. 5755-PL001 Rev D] and Existing Elevations [Drawing No. 5755-EX003 Rev A] shall be physically removed.

- b) Following compliance with the above, all debris and waste materials resulting from the above requirements are to be removed from the application site and disposed of lawfully.
- c) Following the completion of step a), the proposed raised patio will be made good, as shown on the following plans: 5755 PL003 - REV F, 5755 PL001 - REV D, 5755-PL002 REV C.
- d) Following the making good of the raised patio as per step c), the land levels will be physically reduced to the approved land level and lower hardstanding altered and lawn re-laid, as shown on 5755 PL001 - REV D plan.
- e) On completion of the above steps, the proposed glass balustrades and mixed native planting (screening) shall be physically installed and maintained in perpetuity as illustrated on 5755 PL003 - REV F, 5755 PL001 - REV D, 5755-PL002 REV C plans.

- C5 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

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

9.12 **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. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

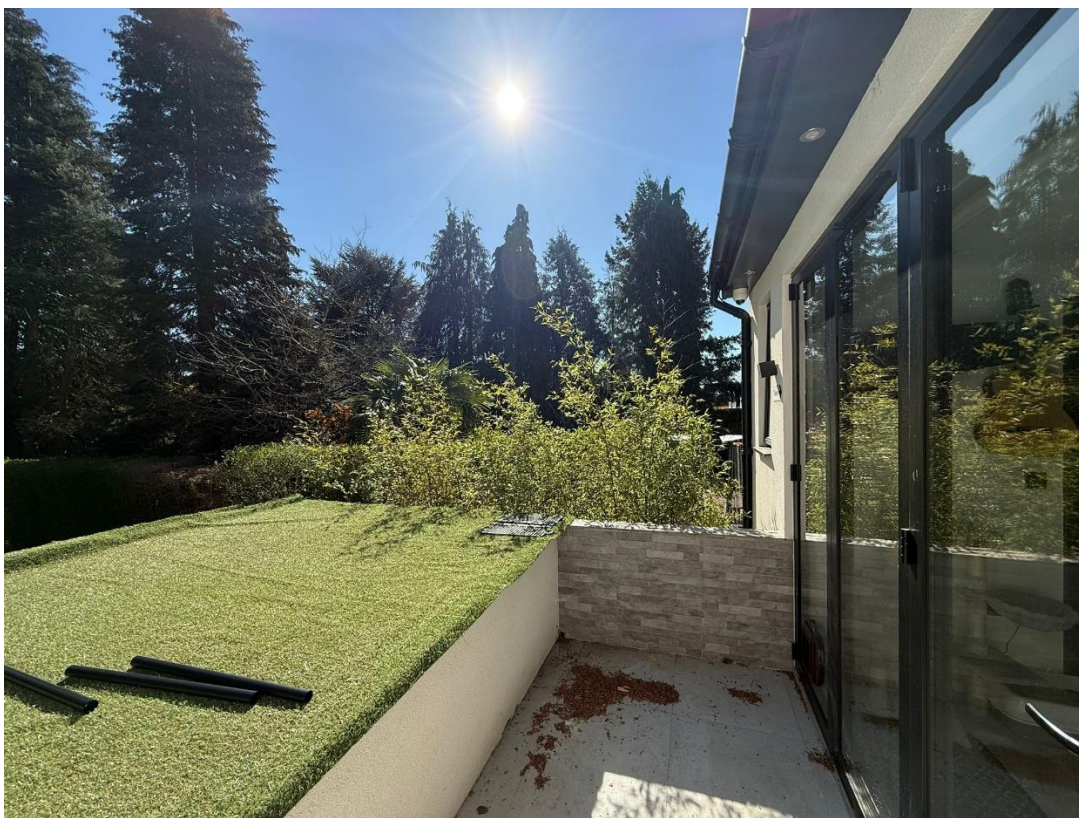
If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information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

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

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

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The Development in Situ:







View from No.9 Wolsey Road:





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