

# PLANNING COMMITTEE

## NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Monday, 16 February 2026 at 7.30 pm

Members of the Planning Committee:-

Councillors:

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

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

*Joanne Wagstaffe, Chief Executive  
Thursday, 5 February 2026*

The Council welcomes contributions from members of the public to aid discussions on agenda items at Planning Committee meetings. Details of the procedure are provided below:

For those wishing to speak:

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 Planning Committee.

For those wishing to observe:

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

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

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

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

**1. Apologies for Absence**

**2. Minutes**

(Pages 5 - 12)

To confirm as a correct record the minutes of the Planning Committee meeting held on 22 January 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. 25/0195/FUL: Demolition of existing dwelling and construction of detached building containing 5 residential flats, with associated landscaping, provision of new vehicular access, car parking, cycle and refuse storage at 80 The Drive, Rickmansworth, Herts WD3 4DU**

(Pages 13 - 74)

Demolition of existing dwelling and construction of detached building containing 5 residential flats, with associated landscaping, provision of new vehicular access, car parking, cycle and refuse storage at 80 The Drive, Rickmansworth.

Recommendation: that the decision be delegated to the Head of Regulatory Services to write to the Planning Inspectorate to confirm that in the absence of an appeal against non-determination, planning permission would have been refused for the reason set out at section 8 of the committee report.

**6. 25/1671/FUL – Variation of Condition 2 (Plans) and 25 (Obscure Windows) pursuant to planning permission 22/1148/FUL to allow alterations to fenestration detailing, omission of terrace balconies, addition of AOV rooflights and submission of hard and soft landscaping details including landscape management at Beesons Yard, Bury Lane, Rickmansworth, Herts.**

(Pages 75 - 118)

Variation of Condition 2 (Plans) and 25 (Obscure Windows) pursuant to planning permission 22/1148/FUL to allow alterations to fenestration detailing, omission of terrace balconies, addition of AOV rooflights and submission of hard and soft landscaping details including landscape management at Beesons Yard, Bury Lane, Rickmansworth.

Recommendation: that planning permission is granted, subject to the completion of a Deed of Variation to a Section 106 Agreement pursuant to planning permission 22/1148/FUL dated 18 December 2023; securing an occupancy age restriction, affordable housing contribution, controls on parking permits, amendment to traffic regulation order and Waste Management Scheme, and planning conditions.

7. **25/1722/RSP – Part Retrospective: Construction of two outbuildings and alterations to rear land levels and landscaping works at 38 Moor Lane, Rickmansworth, Hertfordshire WD3 1LG** (Pages 119 - 128)
- Part retrospective: construction of two outbuildings and alterations to rear land levels and landscaping works at 38 Moor Lane, Rickmansworth.
- Recommendation: that part retrospective planning permission be approved subject to conditions.
8. **25/1754/ADV - Advertising Consent: Display of flags at Three Rivers House, Northway, Rickmansworth, Hertfordshire WD3 QRL** (Pages 129 - 138)
- Advertising consent for display of flags at Three Rivers House, Northway, Rickmansworth.
- Recommendation: that advertisement consent be granted subject to conditions.
9. **25/1987/FUL - Construction of part-single, part-two storey side and rear extensions and single storey side extension at 18 Greenways, Abbots Langley, Hertfordshire WD5 0EU** (Pages 139 – 152)
- Construction of part-single, part-two storey side and rear extensions and single storey side extension at 18 Greenways, Abbots Langley.
- Recommendation: that planning permission be granted subject to conditions.
10. **25/2091/RSP – Retrospective: Construction of single storey rear extension at 39 - 41 High Street, Abbots Langley, Hertfordshire WD5 0AA** (Pages 153 - 162)
- Retrospective: construction of single storey rear extension at 39 - 41 High Street, Abbots Langley.
- Recommendation: that retrospective planning permission be granted.
11. **25/2102/FUL - Erection of a timber pergola at Croxley Guild Bowls Club, The Green, Croxley Green, Rickmansworth, Hertfordshire WD3 3HT** (Pages 163 - 174)
- Erection of a timber pergola at Croxley Guild Bowls Club, The Green, Croxley Green, Rickmansworth.
- Recommendation: that planning permission be granted subject to conditions.
12. **25/2150/FUL - Extension of existing crossover and alterations to driveway at 10 Oak Green, Abbots Langley, Hertfordshire WD5 OPG.** (Pages 175 - 188)
- Extension of existing crossover and alterations to driveway at 10 Oak Green, Abbots Langley.
- Recommendation: that planning permission be granted subject to conditions.

**13. 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](mailto:committeeteam@threerivers.gov.uk)

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## **Planning Committee MINUTES**

**Of a meeting held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 22 January 2026 from 7.30 - 10.00 pm**

**Present:** Councillors Chris Whately-Smith (Chair), Elinor Gazzard, Oliver Cooper, Steve Drury, Philip Hearn, Chris Lloyd, Abbas Merali, Chris Mitchell, Debbie Morris and Tom Smith

**Also in Attendance:**

Parish Councillor Jon Bishop (Chorleywood Parish Council), County Councillor Paula Hiscocks (Rickmansworth West), Parish Councillor Kingsley Jolowicz (Croxley Green Parish Council), Parish Councillor Stephen Mander (Batchworth Community Council), Councillor Paul Rainbow, Councillor Ciaràn Reed and Councillor Narinder Sian

**Officers in Attendance:**

Matthew Barnes, Principal Lawyer - Planning  
James Dale, Area Development Management Manager, HCC  
Emma Lund, Senior Committee Officer  
Matthew Roberts, Development Management Team Leader  
Kimberley Rowley, Head of Regulatory Services  
Claire Westwood, Development Management Team Leader  
Claire Wilson, Principal Planning Officer

**PC76/25      APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Harry Davies, who was substituted by Councillor Tom Smith, and from Councillor Stephen King.

**PC77/25      MINUTES**

The minutes of the Planning Committee meeting held on 11 December 2025 were confirmed as a correct record and signed by the Chair.

**PC78/25      NOTICE OF URGENT BUSINESS**

There were no items of urgent business.

**PC79/25      DECLARATIONS OF INTEREST**

The Liberal Democrat Group declared a non-pecuniary interest in agenda items 10 (18 Greenways, Abbots Langley), 11 (39-41 High Street, Abbots Langley) and 13 (10 Oak Green, Abbots Langley) as the agent is a member of the authority and a member of the Liberal Democrat Group.

Councillor Cooper stated, in relation to agenda item 9 (Three Rivers House, Northway, Rickmansworth), that the application was brought to the committee in large part due to a

complaint which he had made regarding the flying of flags and a subsequent request for enforcement action which he had made. Whilst these matters did not form part of the application before the committee, Councillor Cooper declared for clarity that he was considering the application with an open mind.

Councillor Lloyd declared a non-pecuniary interest in agenda item 5 (Land to North of Little Green Lane, Croxley Green) as a governor at Little Green Junior School.

**PC80/25 24/2073/OUT - OUTLINE APPLICATION: DEVELOPMENT OF UP TO 600 RESIDENTIAL DWELLINGS (USE CLASS C3(A)), CONSTRUCTION OF A 5-BEDROOM PROPERTY FOR CHILDRENS SOCIAL CARE AND SUPPORTED LIVING (USE CLASS C3(B)). TWO VEHICULAR ACCESS POINTS FROM LITTLE GREEN LANE AND FURTHER PEDESTRIAN / CYCLEWAY ACCESSES. A ONE FORM ENTRY PRIMARY SCHOOL (USE CLASS F1(A)) (PLUS EXPANSION LAND FOR A TWO FORM ENTRY PRIMARY SCHOOL). A MIXED USE LOCAL CENTRE INCLUDING PROVISION FOR NHS HEALTH AND SOCIAL CARE SERVICES (USE CLASS E(E)), COMMUNITY BUILDING (USE CLASS F2), RETAIL AND CAFE PROVISION (USE CLASS E(A-C)), CAR PARKING AND ASSOCIATED INFRASTRUCTURE. A COUNTRY PARK, AREAS FOR PLAY AND RECREATION, ALLOTMENTS, COMMUNITY ORCHARD AND LANDSCAPING WITH ASSOCIATED INFRASTRUCTURE INCLUDING SUSTAINABLE URBAN DRAINAGE SYSTEMS. (LAYOUT, SCALE, APPEARANCE AND LANDSCAPE AS RESERVED MATTERS) AT LAND TO NORTH OF LITTLE GREEN LANE, CROXLEY GREEN WD3 3SP**

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

The Planning Officer reported that since publication of the agenda, eight further objections had been received. These had reiterated objections previously received and summarised in the committee report at section 4.1.5.

Ten further comments in support had been received. These had also reiterated comments previously received and summarised in the committee report at section 4.1.5.

One further comment had been received, which made recommendations to ensure that planning gain measures were secured in the long term. The Heads of Terms sought were summarised in the committee report; however, the S106 agreement would be prepared following the committee meeting in the event of approval.

The Planning Officer also reported that since publication of the agenda Hertfordshire County Council Growth & Infrastructure had provided further comments in relation to the following matters:

- Primary Education Contribution: a revision to the contribution from £5,883,141 as set out in the table at 7.20, to £6,289,830 was sought. HCC advised that this figure had been verified and was to reflect a bespoke cost for a 1FE primary school with nursery. The applicant was aware of, and accepted, the revised contribution.
- Provision of a Primary School: HCC had noted that the exact location and detailed design of the primary school site would be agreed at a later stage. Confirmation was provided

that HCC was satisfied that the land allocated was of sufficient size to deliver a school and raised no objection to the allocation of the potential school site identified within the parameter plan subject to it conforming to HCC's land specification requirements.

- Children's Home: HCC had clarified that the S106 should include the requirement that "The unit must be built at a location, and to a specification, that is to the satisfaction of the County Council".
- Waste Service Transfer Station contribution (item 5 in the table at 7.20.2): the figure should be index linked to BCIS 1Q2024 (not 3Q2024).

The Planning Officer highlighted that the application included a mixed use local centre which would include provision for NHS health and social care services. In order to ensure that it was used for this purpose only, an additional planning condition was recommended which would require that the building comprising the NHS health and social care services was not used for any other purpose and was occupied exclusively by a General Practice and/or Community Providers for the delivery of National Health Service General Medical Services and shall not at any time be used for private health uses or any other uses.

The Planning Officer summarised that the recommendation should be updated to include this additional condition, as well as amendments to the Heads of Terms table at 7.20 to include the revised primary education contribution and correction to the indexation relating to Waste Transfer Station.

A member of Croxley Green Residents' Association spoke against the application.

A speaker from Just Build Homes spoke in favour of the application.

Parish Councillor Kingsley Jolowicz of Croxley Green Parish Council spoke on the application.

Councillor Ciaràn Reed spoke on the application.

Councillor Paul Rainbow spoke on the application.

Matters raised by speakers against the proposal included: the lack of a viability assessment to protect the quality of the development; that the site location is Green Belt and not Grey Belt and would result in a harmful impact on the Green Belt; encroachment and urban sprawl and the impact of the scale of the development on Croxley Green; lack of compliance with the Sarratt Neighbourhood Plan; potential impact on the Whippendell Wood SSSI; lack of community satisfaction with the proposal as evidenced by the number of objections submitted; impact on the setting of Durrants House, a heritage asset; highways implications arising from the volume of traffic which the development would generate and a lack of assessment of current travel patterns from neighbouring areas; the unsustainable nature of the site location; and deficiency in the amount of on-site parking and the resulting likelihood of displaced parking.

Points raised by speakers in favour of the proposal included: the benefits which would arise from the provision of affordable housing and the high level of need for affordable housing within the district, and the benefits to be provided by the primary school, medical centre, country park, and childrens' social care facilities as well as other community amenities.

The Planning Officer provided responses and clarifications, which included:

- There was only a very small shortfall in the proposed level of parking (13 spaces from a total of 175) against the council's existing standard, but the parking provision exceeded the standard in the emerging Local Plan by 23 spaces. The site layout would be considered at a later date as part of the reserved matters application. The illustrative

masterplan which accompanied the application was only indicative of how the parking could be accommodated at the site.

- The Stage 4 Green Belt Review was a draft document. Whilst it was helpful in informing decisions at a strategic level, it had limited weight in relation to the site specific assessment. Whilst the site was currently free from development, it was bounded by Little Green Lane and the existing development of Croxley Green beyond that to the south, by Rousebarn Lane and Whippendell Wood to the east, and by ancient woodland to the north and north west. These were considered to be physical features in reasonable proximity which would contain and restrict development, and this had contributed towards informing the officers' assessment that the site met the NPPF definition of Grey Belt. The Planning Officer summarised other reasons for officers' judgement of the site as Grey Belt, which were set out in full in the officer report.
- In relation to heritage considerations, the report had identified that there would be less than substantial harm to the setting of the listed Durrants House. However, it was considered that the public benefits of the proposal outweighed the level of less than substantial harm, as set out in the report.
- In relation to any potential impact on the Whippendell Wood SSSI, Hertfordshire Ecology had requested conditions in order to make the development acceptable in planning terms. Subject to these, it did not object to the proposal.

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

- The council had a very limited supply of land for housing, and there was a significant need for housing. A Committee Member commented that housing had recently been delivered at a number of other sites, and further sites would also be coming forward.
- The existing public footpath at the site would be retained, although it would likely be subject to increased use. A financial contribution was being sought to mitigate this. The Planning Officer clarified that the site was an agricultural field and did not currently comprise publicly accessible open space. However, the application proposed an area of c.60% as open space, resulting in an increase in public accessibility.
- In relation to the proposed contribution of c£1m towards lifts at Croxley Underground Station to improve accessibility, the Planning Officer clarified that the overall cost of the project had been assessed by TfL as c£15m. The contribution being sought was 7.1% of this figure, as the development was expected to result in a 7.1% increase in usage. Several Committee Members considered that this contribution was too low, given both the overall cost of the lift replacement project and the additional stress which would be placed on the existing infrastructure at the station and the general underground network.
- Committee Members endorsed comments made by speakers that the site did not represent a sustainable location, particularly in relation to the distance from the station. Concern was expressed about the impact of traffic on neighbouring roads; the impact and risks of construction traffic, particularly where there was parking on the road; a recommendation that a 20mph speed limit should be implemented in Croxley Green on the Baldwins Lane side; how a bus service, if delivered, would be maintained going forward; assurance that the contribution towards the lift at Croxley Green station would be used as intended and that the project could be delivered in a timely way; and where bus stops would be located. The Hertfordshire County Council Development Management Manager responded to these and other points in detail. Points noted included that: (i) the bus service would be 'pump primed' for 5 years initially, with the intention that routes linking the new and existing communities would subsequently become commercially viable. Bus passes would form part of the residents' welcome pack with a view to encouraging use; (ii) it was acknowledged that there was generalised

traffic congestion, particularly at peak times. However, this was not unique either to the district or this site location. The NPPF required an assessment of the impact of development traffic rather than seeking to solve an existing situation. Whilst residents' concerns about an increase in traffic was understood, the levels predicted by the applicant had been assessed robustly and were considered to be accurate, and the widths of the existing roads were considered sufficient to accommodate it. Various traffic calming measures were being investigated in order to maintain the current low vehicle speeds; (iii) HCC was accelerating its 20mph strategy across the county and Croxley Green was on the list for consideration when funding was available; (iv) development of the bus service had been considered at a strategic level initially; details of how the service could operate to ensure maximum usage and the location of the stops would be determined once it was tendered; and (v) construction traffic routing would be subject to a planning condition.

- Additional comments made in relation to travel planning and transport included that assessment of the site as Grey Belt meant that 'necessary improvements to local or national infrastructure' were required rather than simply mitigation of harm; that too much weight was given to a modal shift towards people using buses or Beryl bikes; and that TfL's calculation of a contribution based on a 7.1% increase in usage should take account of the burden across the whole of the infrastructure, rather than only the step free access.
- A Committee Member commented that whilst the provision of First Homes was no longer an obligation, the First Homes scheme represented a better affordable housing proposal than shared ownership. The Planning Officer clarified that the proposal exceeded the requirements of Policy CP4 of the Adopted Core Strategy in relation to the amount of affordable housing and was also in accordance with the emerging Local Plan. The council's Housing Officer was satisfied that the tenure mix met the requirements of the district.
- The provision of a medical centre at the site, involving a centralisation of services and the closure of existing GP surgeries, was not considered by several Committee Members to represent a benefit. Whilst weight in support had been given by officers, a number of Committee Members considered that it would be harmful and would result in residents having to travel greater distances to access services.
- Committee Members also drew attention to concerns about the ability of the existing infrastructure to support the development (particularly in relation to water); and the impact (including to the sub-structure of trees) arising from more intensive use of the adjacent woodland.
- In relation to the issue of whether the site was Green Belt or Grey Belt, a Committee Member summarised that different tests needed to be applied in each case. In the event that the site were Grey Belt it would need to meet the tests set out at paragraph 155 of the NPPF. If these were not met then the proposal would comprise inappropriate development in the Green Belt. In debate it was considered that the proposal did not meet purpose (d) as set out at paragraph 155 of the NPPF, as the 'Golden Rules' requirements had not been met due to the lack of any improvement to infrastructure. In the event that the site were not Grey Belt it would by definition comprise inappropriate development in the Green Belt, to which great weight needed to be attached. Following debate Committee Members considered that the site made a strong contribution to purpose (a) of Paragraph 155 of the NPPF and that it constituted a Green Belt site on this basis; additionally, that the proposal would result in harm to openness and conflict with purposes (a) and (c) of the Green Belt.
- A Committee Member suggested that the following revised weightings should be given in considering the planning balance:

Need for housing – significant weight.

Need for affordable housing – significant weight.

'Golden Rules' – no weight, as the development would fail to improve local and national infrastructure.

A new 1FE primary school – limited weight, as existing primary schools within the area were currently under-subscribed.

New public open space and country park - limited weight, as there was already an open public right of way across part of the site.

Provision of NHS health and social care services - limited to no weight, due to the harm to the make-up of GP services in the area.

Provision of supported living for vulnerable children – the need for services within the county is accepted; however, the proposal may represent over-provision given the size of the development. It was therefore queried if moderate weight was appropriate.

Provision of a local centre - moderate weight. However, due to the distance involved and difficulty in travelling to it the benefit to those who did not directly live in the development would be limited.

Provision of sports facilities and play - limited weight.

Low carbon development – moderate weight may be appropriate if the development exceeded the requirements of the Local Plan.

Biodiversity net gain – it was queried whether moderate weight was appropriate, as it is a statutory requirement for a development of this size.

Delivery of sustainable and active travel options and a new bus service – limited weight.

Economic benefits – limited to moderate weight. Out of area contractors would likely be needed to deliver the project, and therefore the economic benefits would be dispersed.

The Planning Officer confirmed that the application exceeded the mandatory requirements for biodiversity net gain and the requirements of the Local Plan policies in relation to sustainable development; and that the level of provision of supported living for vulnerable children was supported by the County Council. On that basis Members agreed with the moderate weighting attached by officers to those considerations.

In debate, other Committee Members endorsed the revised weightings outlined above.

Councillor Drury moved, and Councillor Mitchell seconded, that the application be refused for the following reasons:

- (1) The development would constitute inappropriate development in the Green Belt, harms openness and conflicts with purposes (a) and (c) of the Green Belt. Very special circumstances would not exist to outweigh the harm to the Green Belt and any other harm identified.
- (2) The intensification of use from the development would harm adjacent woodland.
- (3) In the absence of a S106 agreement, failure to secure infrastructure contributions.

The final refusal wording would be circulated to Committee Members separately.

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

**RESOLVED:** that the application be refused for the following reasons:

- (1) The development would constitute inappropriate development in the Green Belt, harms openness and conflicts with purposes (a) and (c) of the Green Belt. Very special circumstances would not exist to outweigh the harm to the Green Belt and any other harm identified.
- (2) The intensification of use from the development would harm adjacent woodland.

(3) In the absence of a S106 agreement, failure to secure infrastructure contributions.

**PC81/25 25/0195/FUL: DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF DETACHED BUILDING CONTAINING 5 RESIDENTIAL FLATS, WITH ASSOCIATED LANDSCAPING, PROVISION OF NEW VEHICULAR ACCESS, CAR PARKING, CYCLE AND REFUSE STORAGE AT 80 THE DRIVE, RICKMANSWORTH, HERTS WD3 4DU**

The application was for demolition of existing dwelling and construction of detached building containing 5 residential flats, with associated landscaping, provision of new vehicular access, car parking, cycle and refuse storage at 80 The Drive, Rickmansworth.

The Planning Officer provided an update that officers had been in discussion with the applicant's agent through the application process in order to try to address concerns raised. Amended plans had been submitted and accepted by the Local Planning Authority (LPA). However, whilst some issues had been resolved officers remained concerned about the impact of the development on protected trees and therefore the application was recommended for refusal. An initial extension of time was agreed by the agent however this was not extended to accommodate the Planning Committee meeting.

Following publication of the agenda the LPA received notification that an appeal had been lodged by the applicant against its failure to give notice of its decision within the appropriate period.

The Planning Officer clarified that as an appeal against non-determination had been made the Council was no longer able to determine the application. However, in order for the LPA to provide its Statement of Case to the Planning Inspectorate in due course it was necessary for the Planning Committee to still consider the application and consider how it would have determined the application had an appeal against non-determination not been lodged.

Due to time constraints it was agreed to defer the item to a future meeting.

**PC82/25 25/1671/FUL – VARIATION OF CONDITIONS 2 (PLANS) AND 25 (OBSCURE WINDOWS) PURSUANT TO PLANNING PERMISSION 22/1148/FUL TO ALLOW ALTERATIONS TO FENESTRATION DETAILING, OMISSION OF TERRACE BALCONIES, ADDITION OF AOV ROOFLIGHTS AND SUBMISSION OF HARD AND SOFT LANDSCAPING DETAILS INCLUDING LANDSCAPE MANAGEMENT AT BEESONS YARD, BURY LANE, RICKMANSWORTH, HERTS.**

This item was deferred to a future meeting.

**PC83/25 25/1722/RSP – PART RETROSPECTIVE: CONSTRUCTION OF TWO OUTBUILDINGS AND ALTERATIONS TO REAR LAND LEVELS AND LANDSCAPING WORKS AT 38 MOOR LANE, RICKMANSWORTH, HERTFORDSHIRE WD3 1LG**

This item was deferred to a future meeting.

**PC84/25 25/1754/ADV - ADVERTISING CONSENT: DISPLAY OF FLAGS AT THREE RIVERS HOUSE, NORTHWAY, RICKMANSWORTH, HERTFORDSHIRE WD3 1RL**

This item was deferred to a future meeting.

**PC85/25 25/1987/FUL - CONSTRUCTION OF PART-SINGLE, PART-TWO STOREY SIDE AND REAR EXTENSIONS AND SINGLE STOREY SIDE EXTENSION AT 18 GREENWAYS, ABBOTS LANGLEY, HERTFORDSHIRE WD5 0EU**

This item was deferred to a future meeting.

**PC86/25      25/2091/RSP – RETROSPECTIVE: CONSTRUCTION OF SINGLE STOREY REAR EXTENSION AT 39 - 41 HIGH STREET, ABBOTS LANGLEY, HERTFORDSHIRE WD5 0AA**

This item was deferred to a future meeting.

**PC87/25      25/2102/FUL - ERECTION OF A TIMBER PERGOLA AT CROXLEY GUILD BOWLS CLUB, THE GREEN, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE WD3 3HT**

This item was deferred to a future meeting.

**PC88/25      25/2150/FUL - EXTENSION OF EXISTING CROSSOVER AND ALTERATIONS TO DRIVEWAY AT 10 OAK GREEN, ABBOTS LANGLEY, HERTFORDSHIRE WD5 OPG.**

This item was deferred to a future meeting.

**CHAIR**

## PLANNING COMMITTEE – 16 February 2026

**25/0195/FUL: Demolition of existing dwelling and construction of detached building containing 5 residential flats, with associated landscaping, provision of new vehicular access, car parking, cycle and refuse storage at 80 THE DRIVE, RICKMAMSWORTH, HERTS, WD3 4DU**

Parish: Chorleywood  
Expiry of Statutory Period: EOT: 16.12.2025

Ward: Chorleywood North and Sarratt  
Case Officer: Claire Wilson

Development Type: Minor Dwellings

### UPDATE

The application was due to be considered by the Planning Committee at their meeting on 22 January 2026 and had been recommended for refusal by officers. Whilst the application was not considered at that meeting due to their being insufficient time, officers did update the committee verbally to advise that following the publication of the 22 January 2026 Planning Committee Agenda, an appeal had been lodged by the applicant against the Local Planning Authority's (LPA) failure to give notice of its decision within the appropriate period.

As an appeal against non-determination had been made the Council is no longer able to determine the application. However, in order for the LPA to provide its Statement of Case to the Planning Inspectorate in due course it is necessary for the Planning Committee to still consider the application and consider how it would have determined the application had an appeal against non-determination not been lodged. The recommendation has therefore been updated to reflect this.

**Recommendation:** That the decision be delegated to the Head of Regulatory Services to write to the Planning Inspectorate to confirm that in the absence of an appeal against non-determination, planning permission would have been REFUSED for the reason set out at section 8 of the committee report.

Reason for consideration by the Committee: The application has been called in by the Head of Regulatory Services given the level of public interest.

The application has also been called in by three members of the Planning Committee if officers are minded to approve for the following reasons:

- 1) There are concerns about introducing flatted development along this road where none is believed to exist and the impact this would have on the character of the road.
- 2) Herts Highways have objected so concerns are raised on highways issues also.
- 3) There is a considerable amount of local dissent on the scheme.
- 4) Finally, there is a fear that the privacy of those using the neighbouring school grounds could be adversely affected by overlooking.

Chorleywood Parish Council have also called in the application in the event officers are minded to approve due to concerns including in relation to parking and character as set out in their comments in paragraph 4.1.1 of the analysis below.

To view all documents forming part of the application, please go to the following website:
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## **1 Relevant Planning History**

- 1.1 8/280/74: Erection of dwellinghouse (In Grounds of no. 82). Application permitted.
- 1.2 8/28/75: Erection of dwellinghouse.
- 1.3 8/516/75: Dwellinghouse and access to the highway. Application permitted.

## **2 Description of Application Site**

- 2.1 The application site consists of a two- storey detached residential dwelling located on the southern side of The Drive, Rickmansworth. The streetscene is mainly characterised by detached dwellings of varied architectural design, set on large plots with generous spacing between dwellings. Located to the east of the dwelling is Charlotte House Prep School, with the nearest adjacent building on this site being two storey in height. To the west of the site and opposite, are detached residential dwellings.
- 2.2 The existing dwelling is set at a significantly lower land level to the adjacent highway. It has a brick external finish, pitched roof form with gable ends to the flank elevations. To the front of the dwelling is a single storey projection containing the entrance, and adjacent to the boundary with the school is an attached garage with mono pitched roof form. The site is accessed via a single vehicular crossover, which serves a driveway which slopes steeply down from the main road.
- 2.3 To the rear of the site, the dwelling has an existing single storey side projection located adjacent to the boundary with Charlotte House and there is also a single storey outbuilding sited adjacent to the western boundary. This sits at a lower land level to the dwelling. Immediately to the rear of the dwelling itself is a paved patio area set at the same level as the dwelling, with the remaining garden laid to lawn and sloping down towards the rear boundary. At the time of the site visit, it was observed that there is an existing MUGA/Tennis Court within the grounds of Charlotte House, which is enclosed by mesh fencing and immediately adjoins the boundary with the application site.
- 2.4 The neighbouring dwelling to the west known as no.78 extends significantly beyond the rear of the host dwelling and has a higher ridge line relative to the application dwelling. This neighbour dwelling appears to be served by a large projecting, glazed balcony area which is visible from the application site.
- 2.5 The site is affected by an existing Tree Preservation Order (TPO Reference: TPO Title: TR (The Drive, Chorleywood) 2010.

## **3 Description of Proposed Development**

- 3.1 The applicant is seeking full planning permission for the demolition of the existing detached dwelling and construction of a detached building containing five residential flats with associated landscaping, new vehicular access and refuse storage. The proposed development would provide 3 x 2 bedroom units, and 2 x 3 bedroom units.
- 3.2 The proposed building would be set back approximately 12.3m from the front boundary of the site. The building would have a width of approximately 14.4m and a maximum depth (to the rear most projection of the building) of 17.4m. The plans indicate that the western flank elevation would be set a maximum of 2m from the boundary with no.78 The Drive (and a

minimum of 1.6m due to the nature of the boundary). The plans also indicate a distance retained to the eastern boundary with Charlotte House School of 1.55m.

- 3.3 In terms of design, the building would appear as having a two storey appearance when viewed from The Drive. The plans indicate that the building would have a maximum height of 9.4m (as taken from the lowest land level marked on the front elevation). The building would have two front gabled projections to either side of the front elevation. The entrance door to the flats will be located centrally with this recessed area being timber clad, whilst the gables would have a white rendered appearance. Due to the nature of the land levels, the building would have a three storey appearance to the rear elevation with the plans indicating a maximum height of 12.4m. The plans indicate a crown roof form with the proposed crown roof having a depth of 5.3m and a width of 14.8m. The proposed rear projection would have a hipped roof form which would be set down from the main ridge. The plans suggest that the rear elevation would be white rendered with areas of cladding proposed to the fenestration detail.
- 3.4 The applicant is proposing to retain the existing vehicular access point, whilst also proposing a new vehicular access adjacent to Charlotte House. The plans indicate that the land levels would be built up in order to provide a car parking area level with the highway with provision for five off street car parking spaces. The plans show that the parking area would be set at a higher land level to the ground floor level of the proposed building. In order to facilitate the car parking area, a retaining wall is proposed which would be located approximately 2m from the front elevation of the building. Balustrading is proposed to be constructed to the rear of the car parking area closest to the proposed building. Stepped access is proposed down from the car parking area to access the main entrance to the flats which is set at a lower land level relative to the highway. Stepped access is also proposed to either side of the building in order to access the rear amenity area.
- 3.5 To the rear, the plans indicate a private amenity space serving the lower ground floor unit (flat 1), with a terrace area proposed to serve flat 3 at ground floor level. A privacy screen is proposed to the side of this terrace to provide screening from Charlotte House School. In addition, the plans indicate the provision of 2m high fencing to the boundary with this neighbour. The remaining garden area would be utilised as a communal amenity space.
- 3.6 Amended plans have been received during the course of the application as follows:
- Cycle ramp added in order for bikes to be transported from street level to the proposed ground floor level of the building.
  - Gate added adjacent to front entrance door.
  - Cycle storage relocated to rear garden.
  - Privacy screen added to rear terrace.
  - Reflective glass added to ground floor front windows.
  - Car parking spaces set approximately 0.5m further back than previously illustrated.
  - Landscaping increased to the rear.
- 3.7 Officers have not re-consulted on the amended drawings, as no significant material changes have been proposed to the scheme which would require additional consultation.

## **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.

The level of parking proposed is only half of that required under Appendix 5 of the Development Management Policies. The site is approximately 1 mile from the local station and shops, so there should be no reduction below that given the Development Management Policies.

Despite the assertions of the developers On Street Traffic Survey, the surrounding streets already suffer significant parking pressure due to the school and nearby roads, such as High Close, can easily be obstructed by parked cars

Under Policy 5 of the Chorleywood Neighbourhood Development Plan (NDP), flatted development should only be undertaken near to stations and / or local facilities & amenities. As this site is approximately 1 mile from the nearest station and the main facilities & amenities, this proposed development is not in accordance with the NDP.

There are concerns over the overlooking of the school playgrounds from the living rooms of the upper flats.

The local area of the site consists of large dwellings on large plots. Development of flats here would result in an increase in density not suited to the site.

There are concerns that a habitable home is being demolished to achieve this development with an unnecessary release of Carbon (approximately 100 tonnes more than required to undertake extension) and the creation of considerable waste.

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 Herts Highways: [Initial objection overcome]

##### 4.1.2.1 [Initial objection]

Proposal: Demolition of existing dwelling and construction detached building containing 5 residential flats, with associated landscaping, provision of new vehicular access, car parking, cycle and refuse storage

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 reason:

The proposed access arrangements are not in accordance with Hertfordshire County Council policies and specifications and has the potential to interfere with the free and safe flow of highway users on the adjacent highway. The proposals are therefore contrary to policy guidelines as outlined in the National Planning Policy Framework (NPPF) and Hertfordshire Local Transport Plan (LTP4).

Comments/Analysis

Description of Proposal: Demolition of existing dwelling and construction detached building containing 5 residential flats, with associated landscaping, provision of new vehicular access, car parking, cycle and refuse storage

Site and Surroundings: The Drive is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. As per the Place and Movement Network within the PMPDG, The Drive is classified as a P2/M1. The site is in residential area to the north of the centre of Rickmansworth with a school being adjacent to the site itself.

#### Highway Impact

The proposed access arrangements are not in accordance with HCC specifications and policies as two accesses are proposed at the site. Any additional access at a site is considered to be an additional conflict point between vehicles crossing the footway and pedestrians. The additional access also means that the site is giving priority to vehicles crossing the footway over pedestrians, infringing upon LTP4 policies 1 and 5 which aim to maintain a highway user hierarchy where pedestrian movements are prioritised. Secondary accesses are also not permitted within the Residential Dropped Kerb Policy, although this is not a householder application the policy remains relevant due to the residential nature of the area and the proposal. It would be suggested that a central shared dropped kerb access, measuring a maximum of 7.2m wide, should be explored with swept path drawings showing how vehicles can access the proposed parking spaces. It is also noted that there is not 6m behind each of the parking spaces, a measurement defined in Manual for Streets which is required to allow for vehicles to safely manoeuvre in and out of a space. The parking spaces should therefore be widened, to make movements easier, and swept path drawings provided to ensure that vehicles will not be doing any manoeuvring over the highway footway when using the parking spaces.

#### Conclusion

HCC as the Highway Authority have reviewed the supporting documents and drawings and wishes to raise an objection to the application. This is due to highway concerns as the proposals are contrary to the design standards contained in Manual for Streets and infringes upon LTP4 policies 1 and 5.

4.1.2.2 Officer comment: Following the above objection, further information was submitted by the applicant.

4.1.2.3 [Second Comment: No objection subject to conditions]

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 conditions:

1. Additional details (might be more appropriate to submit and approve prior to decision to remove need for condition).

No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- a. Swept path analysis / tracking to illustrate that cars would be able to use the proposed car parking spaces, turn around on site and egress the site in forward gear. Any turning areas should not utilise any of the adjacent highway footway.
- b. Amended site plan to illustrate the existing vehicle crossover access and the new vehicle crossover with a width of 5.4m (made up of four flat kerbs and two ramped kerbs).

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

2. A Highway Improvements – Offsite (Design Approval)

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The works shall include:

- An additional new vehicle crossover access made up of four flat kerbs and two ramps kerbs and any associated works.

#### B Highway Improvements – Offsite (Implementation / Construction)

Prior to the first use of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Provision of Access and Parking Areas

Prior to the first occupation of the development hereby permitted the necessary access and on-site car parking and turning area shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

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

#### 4. Construction Management

No development shall commence until a Construction Management Plan/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 Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Any traffic management requirements
- c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- d. Siting and details of wheel washing facilities;
- e. Timing of construction activities to avoid peak periods and school drop off and pick up times;

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).

#### Highway Informatives

Construction standards for works within the highway (s278 works):The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

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

Comments: The proposal comprises of the demolition of the existing dwelling and development of 5 residential dwellings and associated works at 80 The Drive, Rickmansworth. The Drive is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. Dawes Lane is classed as P2/M1 (residential street) on HCC's Place & Movement Network.

A Transport Statement (TS) has been submitted as part of the application.

Access: There is an existing vehicle crossover access into the site. The proposals include an additional vehicle access point.

Following consideration of the letter submitted in response to the original highway comments and the fact that the proposals are for more than one dwelling, it has been considered that there would not be sufficient grounds to recommend objection to the proposals on the grounds of an additional vehicle access. Nevertheless HCC as Highway Authority would recommend swept path analysis / tracking to illustrate that cars would be able to use the proposed car parking spaces, turn around on site and egress the site in forward gear. Any turning areas should not utilise any of the adjacent highway footway and would be important when taking into account the adjacent school.

It would also be recommended (as there would be two accesses) that each is no wider than 5.4m (made up of four flat kerbs and two ramped kerbs) and therefore if these should be shown or at least labelled / indicated on a scaled plan. The existing VXO appears to be this size already.

Visibility splays of 2.4m by 40m to either side of both access have been illustrated on drawing number 6115/001 B. The normally required visibility splays for 30mph is 43m but this is also considered to be available and therefore the access proposals are in accordance with HCC's Place & Movement Planning and Design Guidance (PMPDG) and Manual for Streets in this respect.

The proposals include the provision of storage for on-site refuse / recycling bins. The collection method for refuse / recycling would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) as waste collection authority.

The proposals would enable emergency vehicle access to within 45 metres from all parts of the proposed dwellings. This adheres to guidelines as recommended in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 –Dwellinghouses (and subsequent updates).

The proposed development would also need to make adequate provision for drainage on site to ensure that surface water is disposed of on site and does not discharge onto the highway.

#### Section 278 Highway Works

The applicant would ultimately need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the approval of the design and implementation of the works that would be needed on highway land including:

- New vehicle crossover access made up of four flat kerbs and two ramps kerbs and any associated works.

Prior to applying to enter into a Section 278 Agreement with the Highway Authority, the applicant would need to obtain an extent of highway plan to clarify the works which would be within the existing highway. Please see the above conditions and informatives

#### Trip Generation

A trip generation assessment for the proposed use has been included as part of the TS, the details of which have been based on trip rate information from the TRICS database. This approach is considered to be acceptable by HCC as Highway Authority. The level of trips and impact on the surrounding highway network for a development of this size would not be considered to be significant or severe

#### Parking

The proposal includes the provision of 5 on car site parking spaces, each with an electric vehicle charging facility. The proposals in this respect are in accordance with LTP4, Policy 5h, which states that developments should “ensure that any new parking provision in new developments provides facilities for electric charging of vehicles”.

The proposals include the provisions of on-site cycle stores (with provision for 12 cycles to park), which would be supported by HCC as Highway Authority to promote cycling as a sustainable travel option to and from the site.

TRDC as the planning authority would ultimately need to be satisfied with the overall level and type of parking to ensure accordance with their adopted standards.

#### Conclusion

HCC as Highway Authority considers that the proposal would not have an impact on the safety or severe impact on operation of the surrounding highway. The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above recommendation for additional information, planning conditions and highway informatives.

4.1.2.4 Officer comment: In response the applicant has provided further information stating that it was not possible for vehicles to manoeuvre within the site and therefore the condition as requested by Herts Highways could not be fulfilled. As such, this was raised with Herts Highways for consideration.

4.1.2.5 [Third comment: No objection]

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

#### 1. Provision of Access and Parking Areas

Prior to the first use of the development hereby permitted, the new vehicle crossover access shall be provided at a width of no greater than 5.4m (made up of four flat kerbs and two ramped kerbs) and the on-site car parking shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire’s Local Transport Plan (adopted 2018).

#### 2. Provision of Pedestrian Visibility Splays

Prior to the first use of the development hereby permitted 0.65 x 0.65 metre pedestrian visibility splays shall thereafter be retained at all times to each side of the new and existing access points. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.

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

### 3. Construction Management

No development shall commence until a Construction Management Plan/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 Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Any traffic management requirements
- c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- d. Siting and details of wheel washing facilities;
- e. Timing of construction activities to avoid peak periods and school drop off and pick up times;

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).

### Highway Informatives

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:

AN) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx>

Comment: The proposal comprises of the demolition of the existing dwelling and development of 5 residential dwellings and associated works at 80 The Drive, Rickmansworth. The Drive is designated as a unclassified local access road, subject to a speed limit of 30mph and is highway maintainable a public expense. Dawes Lane is classed as P2/M1 (residential street) on HCC's Place & Movement Network.

A Transport Statement (TS) was submitted as part of the application. Updated plans have been submitted by the applicant in Dec 2025.

Access: There is an existing vehicle crossover access into the site. The proposals include an additional vehicle access point.

Following consideration of the letter submitted in response to the original highway comments and the fact that the proposals are for more than one dwelling, it has been considered that there would not be sufficient grounds to recommend objection to the proposals on the grounds of an additional vehicle access.

It would also be recommended (as there would be two accesses) that the new VXO is no wider than 5.4m (made up of four flat kerbs and two ramped kerbs). The existing VXO appears to be this size already. Therefore the above condition has been recommended in this respect.

HCC as Highway Authority had also previously requested that the applicant provides details that vehicles would be able to turn around on site and egress in forward gear to the highway. The applicant subsequently stated that this would not be achievable and that it would be reasonable for vehicles to reverse in or out. On balance and consideration of the speed limit and nature of the highway, HCC as Highway Authority has considered that there would not be sufficient grounds to recommend refusal in this respect. Nevertheless, the above condition in respect to visibility has been recommended to ensure that vehicular to pedestrian visibility is maximised and provided at a sufficient level on both sides of the new access. Essentially any boundary features within the pedestrian visibility splay areas would need to be provided and retained at a height of no greater than 0.6m.

Vehicular to vehicular visibility splays of 2.4m by 40m to either side of both access have been previously shown on illustrated on drawing number 6115/001 B. The normally required visibility splays for 30mph is 43m but this is also considered to be available and therefore the access proposals are in accordance with HCC's Place & Movement Planning and Design Guidance (PMPDG) and Manual for Streets in this respect.

The proposals include the provision of storage for on-site refuse / recycling bins. The collection method for refuse / recycling would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) as waste collection authority. The proposals would enable emergency vehicle access to within 45 metres from all parts of the proposed dwellings. This adheres to guidelines as recommended in MfS and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellings (and subsequent updates).

The proposed development would also need to make adequate provision for drainage on site to ensure that surface water is disposed of on site and does not discharge onto the highway.

#### Trip Generation

A trip generation assessment for the proposed use has been included as part of the TS, the details of which have been based on trip rate information from the TRICS database. This approach is considered to be acceptable by HCC as Highway Authority. The level of trips and impact on the surrounding highway network for a development of this size would not be considered to be significant or severe.

#### Parking

The proposal includes the provision of 5 on car site parking spaces, each with an electric vehicle charging facility. The proposals in this respect are in accordance with LTP4, Policy 5h, which states that developments should "ensure that any new parking provision in new developments provides facilities for electric charging of vehicles".

The proposals include the provision of an on-site cycle store. The location of the store has been amended to be located in the rear of the site with a cycle track added to both sets of

steps to facilitate the movement of bicycles, which is an improvement on the previous plan that did not consider this. The cycle store should be covered and secure.

TRDC as the planning authority would ultimately need to be satisfied with the overall level and type of parking to ensure accordance with their adopted standards.

Conclusion: HCC as Highway Authority considers that the proposal would not have an impact on the safety or severe impact on operation of the surrounding highway. The applicant would need to enter into a VXO agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and highway informatives.

4.1.3 Officer comment: Further clarification was sought from Herts Highways with regard to the safety of the new access and its relationship with the school and the following comments have been received:

4.1.4 Herts Highways: [No objection]

HCC as Highway Authority did originally resist the additional vehicular access point to keep the number of entrance points onto the highway network to a minimum and encourage vehicles to have the ability to turn around on site. However due to site constraints, the applicant has not been able to demonstrate this. Nevertheless following consideration of the remaining proposals with a low number of vehicle movements and sufficient levels of visibility it has been deemed that there would not be a highway safety reason to recommend refusal.

4.1.5 Herts Ecology: [Initial objection overcome]

4.1.5.1 [Initial objection]

#### ECOLOGICAL IMPLICATIONS

Thank you for consulting this office on the above application.

#### Overall Recommendation:

The planning officer should either:

1. Refuse the application or advise it is withdrawn or,
2. Request further information from the applicant and re-consult the Ecology Service (LEADS) when it is furnished.

#### Summary of Advice:

- Insufficient information on bats to advise determination of the application – Two bat emergence surveys should be undertaken in the bat activity period, and a report submitted prior to determination.
- Protected species Informative.
- Species Enhancement Plan Condition.
- BNG sufficient for determination.
- Offsite BNG required – HMMP needed.

#### Supporting documents:

- Preliminary Ecological Appraisal and Roost Assessment (Arbtech, September 2024).
- Bat Survey Report (NRG Consulting, December 2024).
- Biodiversity Net Gain Assessment Report (Arbtech, January 2025).
- Biodiversity Metric.

Comments:

The application site is within a residential area and is of limited ecological interest. However, there are various trees present, which form part of established gardens connecting the site to other habitats in the vicinity. A Preliminary Ecological Appraisal (PEA: Arbtech, September 2024) and Bat Survey Report (NRG Consulting, December 2024) have been submitted as part of the application.

B1 was assessed to have moderate potential for roosting bats, and B2, negligible. The classification of B1's moderate potential was owed to the gaps and raised tiles on the roof, and gaps in the soffits. Multiple trees will be felled to facilitate the development, however, none of these were identified to possess roosting features for bats, therefore no further surveys for trees are required. In line with the Bat Conservation Trust Guidelines (2023), moderate potential prompts the need for two bat emergence surveys to be undertaken.

A Bat Survey Report has been submitted by NRG Consulting. This contains the results of only one emergence survey visit, and this was undertaken in December 2024, which is outside of the bat activity period and within the peak hibernation period. Whilst bats sometimes emerge from hibernation on warm nights, typically, in December, they are unlikely to do this. An emergence survey during this time is insufficient and is unlikely to give a true representation of whether this building is/has been utilised as a bat roost. Furthermore, only one emergence survey was conducted, which is not in line with the "moderate" potential given by Arbtech.

Currently, I consider there to be insufficient information on bats to advise determination of the application. Bats are fully protected under national and international law, and sufficient information should be submitted prior to determination to ensure the LPA can consider the impact of the proposal on bats and discharge their legal obligations under the Conservation of Habitats and Species Regulations 2019(as amended).

Consequently, I advise that two emergence surveys should be undertaken in the bat activity period (May-August, and September if the weather remains warm). The results of these surveys should be incorporated into a bat report, which should be submitted to the LPA for approval prior to determination

Other protected species: The PEA did not find evidence of any protected species onsite. In the unlikely event that they are found, I advise the following informative should be added to any permission granted:

*To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.*

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed."

Ecological Enhancements: Given the suitable habitat in the vicinity, I advise that in line with the NPPF, species enhancements should be included in the development plan.

Consequently, I advise that a Species Enhancement Plan should be submitted to the LPA as a Condition of approval.

*“Prior to commencement of the development (including vegetation clearance, demolition and ground works), a Species Enhancement Plan shall be prepared. It will include a graphical plan, setting out the number, type and position of enhancement features to be incorporated into the design scheme. The number of features should be proportional to the size of the development, and should be integrated in nature. This plan shall be submitted to the Local Planning Authority for written approval and the development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority”.*

Biodiversity net gain: This application is subject to mandatory biodiversity net gain. A Biodiversity Metric and Biodiversity Net Gain Assessment report have been submitted (Arbtech).

The baseline habitat units stand at 2.30BU, with the onsite net change being -0.35 which equates to a net loss of 15.33%. This net loss is predominantly owed to the loss of trees that have not been fully compensated for. Habitat creation includes other neutral grassland, and urban tree.

The hedgerow baseline units stand at 0.04BU, with the onsite net change being 0.01 equating to a biodiversity net gain of 32.20%. This net gain is owed to the creation of a non-native and ornamental hedgerow.

Given that the habitat creation will be within the curtilage of privately owned gardens with no public access, onsite gains cannot be legally secured. This means that the habitat creation of other neutral grassland, and urban tree cannot technically count towards the biodiversity net gain if this is created on site. Furthermore, creating and maintaining other neutral grassland in a small communal garden is not considered a good option since this grassland will be subject to significant recreational pressure from the people residing in the five flats.

It has been noted in the BNG report that offsite BNG is likely required. Therefore, I advise that the habitat creation should be changed to only “vegetated garden” and “developed land”, and the full 10% net gain should be met using an offsite location.

Whilst the biodiversity gain condition is a post determination matter, given the present information shows a net loss in biodiversity, presently we cannot advise the LPA that they can have confidence at this stage that the general Biodiversity Condition can be discharged.

Nevertheless, 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 the general biodiversity condition is a pre commencement condition and that these matters will need to be addressed either now or at the post determination stage.

At the biodiversity gain plan stage an updated metric will need to be submitted showing how a net gain can be delivered using an off-site location, with the provision of the Biodiversity Gain Site Register reference number for that site. 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

The minimum requirement of a completed baseline has been demonstrated. The biodiversity gain condition will apply to this application, whereby a biodiversity gain plan will be submitted as part of this condition. We advise that the government template for the

biodiversity gain plan should be used, and a metric which corresponds with the gain plan should be submitted alongside this.

Given it is stated that an off-site solution is needed to achieve BNG, the LPA is required to secure this off-site net gain via legal agreement whether through an S106 agreement or conservation covenant. Any off-site land used for the purpose of achieving biodiversity units must be registered on the biodiversity gain sites register.

We advise that a Habitat Monitoring and Management Plan (HMMP) should be secured as part of the legal agreement. This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions will be created, enhanced, and monitored over 30 years following the completion of the capital works required to create them. It is recommended that the HMMP should be in line with the HMMP template produced by DEFRA. Considerations should also be given within any legal agreement to secure resources to allow adequate monitoring over the 30-year period

4.1.5.2 Officer comment: Following the above comments, the applicant submitted further information and Herts Ecology were re-consulted.

4.1.5.3 [Second Comment: Objection]

#### ECOLOGICAL IMPLICATIONS

Thank you for consulting this office on the above application.

Overall Recommendation: 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.

#### Summary of Advice:

- There is still insufficient information on bats to advise determination.
- Only one survey has been carried out in May 2025, and a building with moderate potential requires a minimum of two dusk emergence surveys to be conducted
- The results of the December survey are wholly unreliable since bats are in hibernation and are unlikely to emergence during this time.
- The bat activity is between May and September. Therefore, a second dusk emergence survey completed within the appropriate time of year should be carried out.
- The results of this survey should be submitted prior to determination.

#### Supporting documents:

- Bat Survey Report – Emergence Survey (NRG Consulting, May 2025).

Comments: Subsequent to our previous comments dated 11/06/2025, a bat report has now been submitted containing the results of one further bat emergence survey conducted in May 2025.

The below will supersede our previous advice on bats, however, all other advice in our letter dated 11/06/2025 still stands.

We previously advised that given the date of the last emergence survey that was carried out (December 2024), there was still insufficient information to advise determination. The potential given in the PRA was “moderate” potential, which in line with the Bat Conservation Trust guidelines, two dusk emergence surveys are required within the bat activity period (May-August, and September if the weather remains warm). Since the first survey was conducted in December, this survey should be overlooked since bats are in hibernation and are unlikely to emerge during this time. Therefore, for the LPA to be confident that bats are

likely absent from the building, it is fundamental for the two dusk emergence surveys to be carried out at the appropriate time of year.

The bat report only contains details relating to one dusk emergence survey carried out in May 2025, and there is no evidence of a second survey. As mentioned, the results of the December survey are redundant as they are contradictory to the Bat Conservation Trust guidelines.

Therefore, the proposals should not be approved until another bat emergence survey is carried out before the end of September 2025 (assuming the weather in September is appropriate). The results of this survey should be submitted to the LPA for approval prior to determination.

4.1.5.4 Officer comment: Following the above comments, further information was submitted by the applicant and Herts Ecology were re-consulted.

4.1.5.5 [Third comment: No objection]

#### ECOLOGICAL IMPLICATIONS

Thank you for consulting this office on the above application.

#### Overall Recommendation:

Application can be determined with no ecological objections (with any informatives/conditions listed below).

#### Summary of Advice:

- Bat informative.

#### Supporting documents:

- Bat Survey Report (NRG Consulting, August 2025).

Comments: Advice in our letter dated 11/06/2025 still stands, however the below will supersede our previous objection relating to bats.

Subsequent to our letter dated 06/08/2025, a bat emergence survey was conducted in August 2025. In line with the Bat Conservation Trust Guidelines (2023) for buildings with moderate potential, two dusk emergence surveys at the appropriate time of year have now been carried out. No bats were seen emerging from the building on either survey.

In the unlikely event that bats are found during the works, I advise the following informative should be added to any permission granted:

*"If bats or evidence of them are discovered during the course of 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.*

4.1.6 TRDC Tree and Landscape Officer: [Objection]

4.1.6.1 [First comment: No objection]

No objection in principle to this, however further information on the landscaping of the front garden following development will be needed, particularly the landscaping around the protected trees.

4.1.6.2 Officer comment: In light of the Landscape Officer comments in relation to landscaping around the protected trees, and in view of the level changes affecting the front of the site,

additional concerns were raised with the agent. Officers were unclear as to whether the engineering operations required would put existing trees along the boundary with Charlotte House at risk and further clarification was sought in relation to retaining walls. Officers were also concerned regarding the extent of hardstanding around the protected trees.

In response, the applicant provided amended plans and an updated arboricultural method statement. The applicant advised that the level of soft bedding around trees T2 and T3 would be sufficient to allow them to develop. The Landscape Officer was re-consulted in relation to the updated information and the following comments were received:

#### 4.1.6.3 [Second comment: Objection]

Further to my previous comments, I do not think the additional plans overcome the concerns regarding the long-term prospect for the trees, allowing sufficient space for their future growth and the impact on them from the extent of hard standing which appears to substantially exceed the 20% advised in BS5837. Even though the swept path analysis indicates that the cars can enter and exit the site, the constrained nature of the front garden for substantial numbers of cars, will lead to a degradation of the tree cover on the front boundary over the long term. Refusal is recommended as the existing trees are unlikely to be able to grow to maturity without causing undue problems of visibility, shading or damage and are likely to result in future requests for significant topping, lopping or felling, resulting in the loss or deterioration of protected trees.

The proposal is contrary to Policy DM6 of the Three Rivers Local Plan 2014

Recommend: Refusal

The submitted plans indicate that the trees to the front garden, protected by TPO, will be retained. However, the proposed landscaping plans indicate that their Root Protection Areas (RPA) will be significantly encroached upon. Even with use of 'no dig' surfacing the extent of hard surfacing and level build up will result in coverage well in excess of the 20% maximum, as stated in the British Standard, BS5837. The current car parking plan appears constrained, and the manoeuvring of vehicles would appear difficult and likely to lead with collisions with retained trees. Highways have advised the production of swept path analysis to demonstrate that vehicle movements can be safely carried out. However, this has not been produced, and if the hard surfacing were to be reduced for the benefit the RPAs of trees and allow for future growth, this would further restrict space for vehicle movements.

As a result, it is not feasible to retain a sufficient amount soft landscaping within the RPA of the trees, without significantly reducing the hard standing to a point where vehicle movements are impossible and the number of parking spaces need to be reduced. Refusal is recommended due to the lack of space to accommodate sufficient parking and vehicle movement space, without resulting in damage to protected trees and constraining the space for their long-term retention.

The proposal is contrary to Policy DM6 of the Three Rivers Local Plan 2014.

4.1.6.4 Officer comment: Officers clarified the above with the Landscape Officer as the comments note that a swept path analysis has not been produced, however, this has been produced. The Landscape Officer provided further clarification as follows:

#### 4.1.6.5 [Third comment: Objection]

Further to previous comments, the additional plans do not overcome the concerns regarding the long-term prospect for the trees, allowing sufficient space for their future growth and the impact on them from the extent of hard standing which appears to substantially exceed the 20% advised in BS5837.

Even though the swept path analysis indicates that cars can enter and exit the site, the constrained nature of the front garden for substantial numbers of cars, will lead to a degradation of the tree cover on the front boundary over the long term. The provision of only five parking spaces for five, two bed roomed, flats would appear inadequate, particularly as there are parking restrictions on The Drive, and is likely to lead to double parking on the driveway, increasing the risk of damage to protected trees.

Refusal is recommended due to the lack of space to accommodate sufficient parking and vehicle movement space, without resulting in damage to protected trees and constraining the space for their long-term retention.

The proposal is contrary to Policy DM6 of the Three Rivers Local Plan 2014.

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 6

4.2.2 No of responses received: 164 (some residents have made more than one comment)

4.2.3 Site Notice: Expiry: 31 March 2025

4.2.4 Summary of Responses

### Character

In conflict with NPPF policies.

The development is out of character as the street is characterised by single dwellinghouses.

Will set a precedent for the area which would alter the character of the residential area.

The development of five flats would be disproportionate to the size and character of the existing site and surrounding area.

A three -storey block plus roof height is not suitable for this area.

Bulk and mass of the proposed building is out of character. The flats are not in keeping with the architectural style and character of the surrounding area.

The proposal is excessive density or overuse of the site leading to cramped conditions. The site is smaller than others in the vicinity.

Will result in the removal of trees which will impact on the natural beauty of the area.

Trees have been cut down.

Loss of valuable green space which contributes to the character of the street and provides environmental benefits.

Proposal will degrade the sylvan character of the Drive which has TPOS.

Building is not in keeping with the existing architectural style.

Insufficient amenity space.

Will lead to cramped living conditions.

### Privacy and Amenity

Would increase overlooking of the adjacent school which causes safeguarding concerns.

Noise from residents will impact on the educational environment

Air quality would be affected which would impact on pupils at the school, proximity of outdoor play area and learning areas to the development.

Bulk and mass will cause overshadowing

Overlooking to Valley Road.

### Services

The development will put additional strain on local services such as school, healthcare. Drainage, local amenities such as Chorleywood Common and public transport which are already at or near capacity.

No nearby walking facilities for children such as playgrounds, schools, etc so the only way to get there is by car causing traffic issues

Insufficient sewage capacity

### Access and Car parking

Already traffic issues in the area as when traffic from Chorleywood backs up and diverts onto The Drive and surrounding roads.

Majority of residents park cars on the driveway which keeps the road safe and free from accidents.

The lack of car parking on the blind corner creates a hazard and risk of collisions. The development will increase the likelihood of collisions

There are currently restrictions on parking times during the day, and this will create issues with parking.

Additional dropped kerb next to school is unsafe.

Development would require cars to reverse out onto their drive which would be unsafe for passing cars and pedestrians

Development will compromise the safety of children attending the school.

Parking spaces are not of sufficient size as per comments from Highways Officer who notes that there is not 6m behind each bay.

Concerns with visibility due to location of site on a sharp bend.

Current plans are crossing the zig zag keep clear signs currently present for children safety.

High Close is a narrow single tract road on which parking is not possible on either side.

There are not 18 spaces available on High Close as set out in the Parking Survey. Parking on High Close would cause issues for emergency vehicles and other safety issues.

The parking survey conducted is not a fair reflection . It was done in the early hours of the morning and not at school drop off time. In addition, it does not take into account the impact of the weather.

Note that parking survey states there is ample parking on The Climb but this is not the case.

We would ask the Council to apply single yellow line parking restrictions to adjacent roads.

Buses at RMS are not adequate reason to reduce parking as the access to Chorleywood Road is via a steep access which is not viable for many residents.

Parking of contractors during construction would have a severe impact on peak traffic.

No construction management plan

### Wildlife

The bat survey needs to be repeated at the correct time of the year.

Swift bricks are required

Habitats are being destroyed.

### Other Issues

Amended plans do not address previous objections.

Not re-consulted on amended plans.

Paving will increase surface water run off.

Issues raised in relation to the company Ealing Developers Ltd, a company under the control of the applicant.

There would be a need for more bins which would lead to blocked pathways on collection days.

There are covenants which prohibit the construction of flats on the land.

Unnecessary demolition of an existing habitable home further contributes to environmental waste and disruption.

Economic analysis presented is incomplete and has missing data.

Objection to content of viability report, and that this may impact on positive contributions to local affordability

Luxury flats will not be affordable for first time buyers.

A check should be made from the planning archives on the initial application from around October 1975 or March 1978. This may provide good reason for a small property.

Development is legally, environmentally, and socially indefensible and leaves the committee open to legal challenge.

- 4.2.5 Officer comment: Covenants are not a material planning consideration and are a civil/legal matter.

There is no such thing as a precedent in planning terms, and each site is assessed on its own individual merits.

With regard to the impact on healthcare, and schools, the application does not constitute a major planning application, and as such the LPA is unable to seek infrastructure related contributions. However, it is noted that the development would be CIL Liable.

With regard to the issues raised in relation to the development company, this is not a material planning consideration.

## **5 Reason for Delay**

- 5.1 Ongoing discussions to try to resolve areas of concern.

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 National Planning Policy Framework and National Planning Practice Guidance**

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

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

### **6.2 The Three Rivers Local Plan**

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP1, CP1, CP3, CP4, CP9, and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM7, DM9, DM12, DM13 and Appendix 5.

The Chorleywood Neighbourhood Plan (2020). Policies 2, 3 and 5 are relevant.

### **6.3 Other**

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

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

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

The Environment Act

## **7 Planning Analysis**

### **7.1 Principle of Demolition**

7.1.1 The existing detached residential dwelling is not statutorily listed, nor is the site located within a Conservation Area. As such, there is no objection raised to the principle of demolition of the existing dwelling.

7.1.2 It is noted that Chorleywood Parish Council have raised concerns regarding the demolition of a habitable dwelling. Whilst these concerns are acknowledged, this would not be a reason to refuse planning permission.

### **7.2 Principle of Development**

7.2.1 The proposed development would result in a net gain of four residential dwellings. The site is not identified as a housing site in the Site Allocations Document and therefore would be considered as a windfall site. 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 the relevant national and local policies.

7.2.2 Chapter 11 of the NPPF promotes the efficient use of land and sets out *that 'planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses, whilst safeguarding the environment and ensuring safe and healthy living conditions'*. In addition, paragraph 125 of the NPPF emphasises that planning policies and decisions should:

*c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.*

7.2.3 Policy CP2 of the Core Strategy 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 and
- iv. Monitoring information relating to housing supply and the Three Rivers Housing targets.

7.2.4 The application site is located in Rickmansworth which is identified as the Principal Town in the Three Rivers Settlement hierarchy. Policy PSP1 states that development in Rickmansworth will 'focus future development predominantly on sites within the urban area, on previously developed land'. In addition, it sets out that development in the Principal Town

will 'provide approximately 15% of the District's housing requirements over the plan period'. Policy 3 of the Chorleywood Neighbourhood Plan is also relevant and notes that development on brownfield land will be encouraged. In addition, it states *that 'development proposals resulting in a net increase in housing density on an accessible site will be encouraged only if they include necessary infrastructure to support the development including utilities, parking and amenity space to create a sustainable development'*.

7.2.5 Annexe 2 of the NPPF defines previously developed land and excludes land in built up areas such as residential gardens. It is acknowledged that the proposed development would project further into the site than the existing built form and therefore would result in some encroachment onto existing garden land. However, notwithstanding this, part of the site would be considered to be previously developed land and is within the defined Principal Town, within an urban area. As such, there is no in principle objection to residential development of the application site in the context of Policy CP2, subject to consideration against all other material considerations as set out within this report.

7.2.6 An objection received notes that there are covenants on the land which restrict the development of flats. However, the presence of covenants is a legal matter, and is not a material planning consideration.

### 7.3 Housing Mix

7.3.1 Policy CP3 of the Core Strategy 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. and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). However, 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 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom
Market Housing	4%	21%	42%	32%
Affordable Home Ownership	19%	39%	30%	13%
Social/Affordable Rented Housing	20%	32%	35%	12%

7.3.2 In this case, the applicant is proposing the provision of 2 x 3 bedroom flats, and 3 x 2 bedroom flats which would not accord with the above guidance. However, given the scale of the development, it is not considered that this would prejudice the ability of the Council to deliver housing targets and therefore it is not considered reasonable to raise an objection. The proposed development is therefore considered acceptable and in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

### 7.4 Affordable Housing.

7.4.1 Appendix A of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Policy CP4 of the Core Strategy.

7.4.2 The proposed development would result in a net gain of 4 residential dwellings and as such, the development would be liable for a commuted sum payment in respect of affordable housing. The site is within Highest Value Three Rivers market area where the payment would be £1250 per square metre of habitable floor space. It has been calculated that based upon a habitable floor space of approximately 194 metres (average) that a policy compliant contribution of £242,500 would be required (this would also be subject to indexation).

7.4.3 A Viability Assessment was submitted with the application and sets out that an affordable housing contribution would not be viable. This has been subject to assessment by an independent assessor on the LPA's behalf who concludes that the 'appraisal carried out which includes the benchmark land value of £1,000,000 and the required affordable housing payment of £242,500 shows a deficit negative of £529,866. As such, the proposed development would not be viable to support an affordable housing contribution. Consequently, no objections are made in this regard and the development accords with Policy CP4 of the Core Strategy (2011).

## 7.5 Streetscene & Character

7.5.1 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'. Paragraph 135 of the NPPF relates to design and sets out that planning decisions should '*sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*'.

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

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

7.5.3 The Chorleywood Neighbourhood Plan is also relevant. Policy 2 of this document sets out that 'all development should seek to make a positive contribution to the streetscene by way of frontage, building line, scale and design'. In addition, it sets out that 'development proposals should seek to maintain local distinctiveness through the built environment, in terms of buildings and public spaces, and enhance the relationships and linkages between the built and natural environment'. Policy 5 of the Chorleywood Neighbourhood Plan is also relevant and advises that '*flatted development will be accepted if built in close proximity to public transport and other locations that are sustainable and near arterial roads (where it can be demonstrated the living conditions of the occupiers will be satisfactory)*'. *Flatted development will usually be limited to three storeys in height unless it can be clearly demonstrated that the proposal would be visually satisfactory in its context taking account of the topography and character of the surrounding area*'.

7.5.4 The Drive and the surrounding roads are generally characterised by single detached dwellings located on large plots with generous spacing between dwellings. Consequently, it is acknowledged that the proposal to provide flats in this location would not necessarily be characteristic of the locality and would result in an increased density on this site.

However, the front elevation has been designed to have the appearance of a single residential dwelling, with one entrance door located centrally providing access for residents. Whilst the building is acknowledged to be large, given the scale of surrounding residential dwellings and their varied design it is not considered that a flatted development in this location can be objected to in principle, particularly given the design approach taken. Furthermore, it is noted that the site is located on a section of the road which is not wholly residential in character as it is located directly adjacent to Charlotte House Prep School, which has a materially different character to the existing residential dwellings in the locality. As such, given that the building has been designed to appear as a single residential dwelling, it is not considered that it would be incongruous.

- 7.5.5 In terms of siting, the proposed building would front The Drive and as such would not constitute a tandem form of development. The proposed block plan indicates that the proposed building would sit forward of the existing residential dwellings to the west, and the adjacent building at Charlotte House. However, the building line on The Drive is irregular and as such, it is not considered that the building would appear unduly prominent in this regard, particularly given it would be located at a lower land level relative to the adjoining highway. Appendix 2 of the Development Management Policies LDD provides further guidance on siting, and notes that the first floor flank walls should be positioned a minimum of 1.2m from the flank boundary, however, this distance should be increased in lower density areas. In this case, the plans indicate that the building would be positioned approximately 1.5m from the boundary with Charlotte House, and approximately 2m from the boundary with no.78. As such, it is considered that appropriate spacing would be retained, in keeping with the character and appearance of the streetscene.
- 7.5.6 Whilst objections have been received by residents in relation to the height of the building, a streetscene drawing has been submitted which demonstrates the ridge height of the proposed building would be lower than both neighbouring buildings and therefore this would prevent the building from being unduly prominent in terms of height. As set out above, the building has been designed to appear as a single residential dwelling from the frontage with the entrance door located centrally. The front elevation of the building would be two-storey in appearance, however, due to the nature of the levels, the plans indicate that only the first-floor element and roof would be readily visible from the front elevation. In terms of the design, the dwelling would have a gabled roof form with two gabled projections located to either side of the dwelling. The submitted information indicates that the building would have a white rendered finish with elements of timber cladding located adjacent to the proposed windows with cladding also installed centrally. Given the varied nature of the streetscene, no objection is raised to the design and proposed external finishes. However, were the development to be viewed as acceptable, a condition could be added requiring full details of external finishes (including digital samples) to be submitted via a condition.
- 7.5.7 Some concerns have been raised by residents, in relation to the scale of the building and that it would be uncharacteristic of the surrounding area. It is noted that due to the land levels, the building would have a three storey appearance to the rear by reason of the provision of a lower ground floor level. This would not be discernible from the front elevation, and as such would not be considered harmful to the visual amenities of the streetscene. It is also noted that the building would be relatively deep by reason of the hipped roofed projection to the rear. However, this would be read against the neighbouring dwellings no.78 and 76 which have deep flank elevations and consequently this would not be uncharacteristic. It is also considered that the hipped roof proposed here acts to minimise the overall bulk and massing. As such, it is considered that the scale of the building would be comparable to others within the vicinity and therefore would not be incongruous in this regard.
- 7.5.8 To the rear, the garden would be used as a communal amenity space and would not be subdivided into individual spaces. Consequently, this would be in keeping with the wider character of the locality where long, rearward gardens are prevalent.

- 7.5.9 Alterations are also proposed to the frontage including the provision of a new vehicular access to create a carriage driveway. This would result in the removal of some vegetation and in addition, the levels would be built up in order to provide a level car parking area for future occupiers. As such, it is acknowledged that there would be an increase in hardstanding on the site. However, there are many residential dwellings within the vicinity with extensive areas of hardstanding. In this case, the proposal would be read next to Charlotte House which has a large area of hardstanding extending across its site which therefore further prevents the development appearing incongruous. Whilst the land would be built up to provide car parking, given that the land levels vary in the vicinity, it is unlikely that this would be unduly prominent in the streetscene. Full details of the surfacing could be required by condition if the development was considered to be acceptable.
- 7.5.10 In summary, it is considered that whilst flats are not characteristic within the locality, the design of the building would ensure that it appears more akin to a single residential dwelling, particularly given that it would be located at a lower land level to the highway. In addition, no objection is raised to the proposed design of the building given the varied nature of buildings in the locality. Consequently, subject to conditions, the development is considered to be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies LDD and Policy 2 of the Chorleywood Neighbourhood Plan.
- 7.6 Impact on amenity of neighbours
- 7.6.1 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'
- 7.6.2 The plans indicate that the proposed building would sit forward of the neighbouring residential dwelling (No.78). However, this neighbour is set in from the boundary and thus given the separation, it is not considered that this would result in an overbearing form of development in relation to this neighbour. Likewise, although the building sits forward of the adjacent school buildings, the submitted streetscene indicates that the building would have a lower ridge line and again the separation between the buildings would ensure that it would not be unduly prominent or overbearing in this regard. It is not considered that the building would be overbearing or prominent in relation to neighbours opposite due to the separation by the highway and that the building itself would sit at a lower level in relation to the highway.
- 7.6.3 With regard to two storey development, Appendix 2 of the Development Management Policies LDD notes the following:
- Rear extensions should not intrude into a 45 degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties. See Figure 1 for illustrative examples.*
- 7.6.4 With regard to Charlotte House, the plans indicate that the gabled element of the roof form would intrude the 45 degree by approximately 0.6m and the two storey projection would intrude the 45 degree line by approximately 1.5m. Given the use of the adjacent site and the modest nature of the intrusion at the point nearest to the boundary, it is not considered that significant adverse harm would occur to justify refusal for this reason. The plans do not indicate an intrusion from the adjacent residential dwelling.

- 7.6.5 It is noted that some of the objections raise concerns regarding the redevelopment of the site for flatted development, in particular, that the proposal would result in overlooking to Charlotte House, an existing school. These concerns are acknowledged, however, Charlotte House is located in an established residential area and is already located immediately next to a residential dwelling. Furthermore, it is not unusual for residential developments to be located immediately adjacent to school sites. Whilst it is acknowledged that the use of the site would be intensified, it is not considered that this would result in increased harm to justify refusal on this basis. In addition, there are no windows proposed in the flank elevations facing towards Charlotte House. It is acknowledged that the rear facing windows would have some outlook towards Charlotte House, however, this would not be significantly different from the existing situation and furthermore, it is again emphasised that it is not unusual for schools to be located next to residential developments. Consequently, it is not considered that a reason for refusal can be substantiated on this basis.
- 7.6.6 The plans indicate the provision of a terrace serving Flat 3, which would be set at first floor level (due to the nature of the land levels on site). Some concern was raised during the course of the application in relation to overlooking to Charlotte House School. In response, the applicant has provided a privacy screen with a maximum height of 2.1m which would minimise overlooking impact to Charlotte House. In addition, the amended plans illustrate the provision of 2m high fencing along this boundary.
- 7.6.7 A number of windows are proposed facing towards the adjacent residential dwelling. However, given the nature of the rooms they serve, including kitchens, bathrooms and an office, it is considered that if the development were acceptable, they could be conditioned to be obscure glazed and top vent opening only. Residents to the rear of the site on Valley Road have raised concern in relation to overlooking. Appendix 2 of the Development Management Policies LDD sets out that a back- to -back distance of 28m is required between residential dwellings although states *that 'distances should be greater between buildings in excess of two storeys (especially dwellings/flats) with elevations which directly face one another or in situations where there are level differences involved'*. The .T residential neighbours located on Valley Road are located in excess of 90m from the rear boundary of the application site which is ample to prevent any harm to these neighbouring dwellings.
- 7.6.8 In summary, the proposed development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
- 7.7 Quality of accommodation for future occupiers.
- 7.7.1 Appendix 2 of the Development Management Policies sets out amenity space standards for residential developments and states the following:
- Flats: One bed- 21 square metres  
Additional bedrooms: 10 square metres (space can be allocated specifically to each flat or communally).
- 7.7.2 The proposed development would therefore generate a requirement for 175 square metres of amenity space. In this case, the proposed amenity space would mainly take the form of a communal garden with an area of over 400 square metres which would therefore be sufficient for a development of this size. It is also noted that the lower ground floor flat (flat 1) and one of the ground floor flats (flat 3) would also benefit from individual amenity spaces. Consequently, it is considered that there is sufficient amenity spaces available for use by future occupiers of the site.
- 7.7.3 With regard to the accommodation itself, no objection is raised. However, it is noted that ground floor bedroom windows in the front elevation serving flats 2 and 3 as these windows

would be located in close proximity (approximately 2m) to the retaining wall for the proposed parking area, with the parking area being located at a higher level in relation to these windows. Although the relationship is acknowledged, it is noted that these windows do not serve the main primary living accommodation and that future buyers would be aware of the situation. Furthermore, the plans indicate that the open plan kitchen/living rooms would be located to the rear and would have outlook over the rear amenity space.

- 7.7.4 In addition, some concerns were raised in relation to the privacy of the ground floor windows, as residents would pass by the ground floor bedroom windows in order to access the communal amenity space and bike stores to the rear. In response, the applicant has provided an amended plan which includes a gate adjacent to the front door which would prevent occupiers passing the bedroom windows of flat 3. However, residents could still pass by the front windows of flat 2 in order to access the rear of the site. In order to protect the privacy of future residents, the amended plans include the provision of reflective glass to the front window serving the ground floor bedroom of unit 2. The use of reflective glass means that the privacy of the future occupier would be maintained, whilst providing a view out for the future occupier. It is considered that this would be an appropriate solution and a condition could be added requiring full details to be submitted and approved in writing by the Local Planning Authority in the event that the application was viewed as acceptable.
- 7.7.5 With regard to accessibility, the amended plans have also included cycle ramps to ensure that bikes can be easily moved from the storage areas up to the level of the highway. This is considered to be an acceptable solution and furthermore, future occupiers would be aware of the nature of the land levels on this site.
- 7.7.6 In summary, although the nature of the outlook to the ground floor bedroom windows at the front of the building is acknowledged, it is considered that future occupiers would be aware of the situation. Furthermore, the primary living areas are all considered to be benefit from ample outlook and light and thus no objections are raised in this regard. The development is therefore concluded to be acceptable and in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

## 7.8 Trees and Landscaping.

- 7.8.1 Policy DM6 of the Development Management Policies LDD relates to 'Trees, Woodlands and Landscaping'. This sets out that the following:
- i) 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.*
  - ii) 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.*
  - iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards*
  - iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage*
- 7.8.2 The application site is heavily vegetated at present, and it is noted that this is characteristic of The Drive which has a largely sylvan character. The application site is subject to a Tree Preservation Order, TPO741 (The Drive, Chorleywood) 2010, which affords protection to the existing trees on site. At present, the site is served by an existing single vehicular access which provides access to a driveway which slopes steeply down to the existing attached garage. There are areas of greenery to the front of the site and set forward of the existing dwelling.

- 7.8.3 Whilst it is acknowledged that the Landscape Officer originally raised no objection to the proposed development, this was subject to further information relating to landscaping, in particular in relation to soft landscaping around protected trees. Given this requirement, concerns were expressed by officers regarding the potential impact to existing protected trees. It was noted that the works to the frontage would result in significant alterations to the land levels, and the need for retaining walls and additional hard surfacing closer to the trees. It was therefore unclear as to how this would impact on protected trees. In addition, officers noted that the existing protected trees would have more vehicles passing around them and closer to them than existing. As such, it was unclear as to whether any further measures would be required to ensure their protection from operational vehicles, for example from residents reversing into the trees as they try to manoeuvre out of the site. Officers expressed concerns that the relationship between the parking area and trees, could lead to pressure from residents for tree works due to inability to manoeuvre easily on the site. Those pressures, and the potential loss of the trees or their amenity value, would be contrary to Policy DM6 of the Development Management Policies LDD. Officers therefore suggested that further information would be required, including swept path drawings which could demonstrate that the parking arrangements work and that residents would be able to manoeuvre around trees.
- 7.8.4 In response to the concerns raised, an updated Arboricultural Method Statement was provided. In addition, the amended plans indicate that the parking bays would be relocated and set further from the trees and closer to the building. The Landscape Officer was re-consulted in relation to the updated information, however, considers that the submitted information fails to overcome the concerns raised. The Landscape Officer has noted that the proposals fail to secure the long-term protection of the trees and would not allow sufficient space for their future growth. In addition, there would be an impact on them from the extent of hardstanding which appears to substantially exceed the 20% advised in BS5837. The Landscape Officer notes that even with the use of 'no dig' surfacing, the extent of hardstanding and level build up will result in coverage significantly in excess of the 20% standard as set out in the British Standard, BS5837. Consequently, the proposed development would be contrary to Policy DM6 of the Development Management Policies LDD.
- 7.8.5 Furthermore, whilst it is acknowledged that the swept path analysis indicates that vehicles could enter and exit the site, the constrained nature of the front garden for cars, is likely to lead to a degradation of the tree cover on the front boundary in the long term. The Landscape Officer considers that the existing trees would be unlikely to be able to grow to maturity without impacting visibility. Similarly there are concerns that they would result in shading or damage which would likely to lead to further requests for significant topping, lopping or felling.
- 7.8.6 In summary, the proposed development by reason of the alterations to the frontage would result in significant encroachment into the root protection areas of existing protected trees. Consequently, the proposed development would fail to allow sufficient space for future growth. Furthermore, the relationship between the car parking bays and existing trees will likely lead a degradation of tree cover on the front boundary over the long term. The existing trees are unlikely to be able to grow to maturity without impacting visibility or resulting in shading or damage and are likely to result in future requests for significant topping, lopping or felling, resulting in the loss or deterioration of protected trees. The loss of protected trees would impact on the sylvan character of the streetscene and thus would be detrimental to the visual amenities of the locality, contrary to Policy CP12 of the Core Strategy and Policy DM6 of the Development Management Policies LDD.
- 7.9 Wildlife and Biodiversity
- 7.9.1 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.

- 7.9.2 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.
- 7.9.3 Initial objections were raised by Herts Ecology in relation to bats. It was noted that the Bat Survey Report as originally submitted was undertaken in December 2024, which is outside of the bat activity period and was within the peak hibernation period. As such, an emergence survey during this time was considered insufficient and unlikely to give a true representation of whether this building is or has been utilised as a bat roost. As such, the information as initially submitted was considered insufficient.
- 7.9.4 Following this, further information was submitted by the applicant. However, this was still deemed insufficient by Herts Ecology as only one dusk emergence survey had been undertaken rather than two. Consequently, it was deemed that further information was still required in relation to the impact of the proposals on bats.
- 7.9.5 In response, the applicant then provided a second dusk emergence survey which noted that no bats were seen as emerging from the building on either survey. Herts Ecology have therefore withdrawn their objections and have advised that in the event of an approval, an informative should be required reminding the applicant of what to do if bats are found during the course of the development.
- 7.9.6 With regard to other protected species, the Ecology Officer noted that the Ecological Appraisal did not find any other protected species on site. As such, the comments received note that an informative in relation to wildlife should be added in the event of an approval. It is also noted that the Ecology Officer has advised that given suitable habitat within the vicinity, that enhancements should be included in the development plan. Consequently, in the event that the application was deemed acceptable, then a condition requiring the submission of a Species Enhancement Plan should be added as a condition.
- 7.9.7 Therefore, in summary, following the additional information received, it is not considered that the development would have an impact on any protected species and consequently, the development is considered to be acceptable in this regard and in accordance with Policy DM6 of the Development Management Policies LDD.

#### 7.10 Mandatory Biodiversity Net gain.

- 7.10.1 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.
- 7.10.2 In this case, a BNG Assessment accompanied the application and demonstrates the site's pre and post development unit values and demonstrates that the site would result in a 15.33% net loss in habitat and a 32.2% net gain in hedgerow units. As such, the scheme would not meet the 10% mandatory biodiversity net gain. No proposals have been submitted as part of the application for the provision for the 10% gain to be made on site. It is noted that the Biodiversity Gain Hierarchy and its effect for the purpose of the statutory framework for biodiversity net gain is set out in Articles 37A and 37D of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This hierarchy (which does not apply to irreplaceable habitats) sets out a list of priority actions:

- first, in relation to onsite habitats which have a medium, high and very high distinctiveness (a score of four or more according to the statutory biodiversity metric), the avoidance of adverse effects from the development and, if they cannot be avoided, the mitigation of those effects; and
- then, in relation to all onsite habitats which are adversely affected by the development, the adverse effect should be compensated by prioritising in order, where possible, the enhancement of existing onsite habitats, creation of new onsite habitats, allocation of registered offsite gains and finally the purchase of biodiversity credits.

7.10.3 As set out above, the Biodiversity Gain Hierarchy requires adverse effects to be compensated by prioritising enhancing existing habitats, then creating new habitats, and after that the allocation of off-site gains and biodiversity credits. In this instance, the development would result in the provision of private garden space for use by future occupiers and therefore the enhancement and creation of onsite habitats would not be appropriate as the LPA would not be able to monitor these in the future. As such, given the nature of the proposals it is considered that the purchase of off-site biodiversity credits is an appropriate means of securing a 10% net gain. Were the development to be considered acceptable, the LPA would then be required to consider the full detail when an application to discharge the Biodiversity Gain Plan condition was submitted. It is noted that Ecology Officer has commented that off-site solutions should be secured via a S106 agreement. However, in response, given the agreement would not be between the LPA and the developer, a S106 agreement would not be required. The developer would be required to provide evidence of the purchase of off-site credits at the time of an application to discharge the mandatory condition

7.10.4 In summary, the development is considered acceptable in that the 10% biodiversity net gain would be secured off site and this would be evidenced as part of the discharge of the mandatory BNG condition. Consequently, no objections are raised in this regard.

## 7.11 Highways, Access and Parking

7.11.1 Access Arrangements: Paragraph 115 of the NPPF advises 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.

7.11.2 Paragraph 116 of the NPPF advises that ‘development should only be prevented or refused on highway 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’.

7.11.3 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access.

7.11.4 With regard to access, the existing dwelling is served by a single vehicular crossover, whereas the proposed development would include the creation of a second vehicular access. The Highways Officer raised an initial objection, noting that this would not be in accordance with Herts County Council policies. The consultee comments note that any additional access point is considered to be an additional conflict point between vehicles crossing the footway and pedestrians and means that the site gives priority to vehicles rather than pedestrians. Concerns were also raised by the Highways Officer in relation to the proposed parking arrangements. They advised that a swept path analysis drawing should demonstrate that vehicles would not be manoeuvring over the highway footway.

- 7.11.5 In response to the objection raised, the applicant submitted further information which was considered by Herts Highways. The Highways Officer subsequently withdrew their objection, noting that given the fact that the proposals are for more than one dwelling, there would not be sufficient grounds to raise an objection on the grounds of an additional access point. Nevertheless, the Highways Officer considered that a number of conditions were necessary including the submission of swept path analysis tracking to illustrate that cars would be able to use the car parking spaces, turn on site and egress in a forward gear. Any turning areas should not utilise the highway footway which is important given the location of the site as adjacent to an existing school. In response to the consultee comments, officers did not consider that it was appropriate for the above to be secured via a condition, and that this should be demonstrated prior to the grant of any permission for the site.
- 7.11.6 The applicant provided a further response in relation to the conditions required by Herts Highways and stated that it would not be possible for vehicles to turn on site and exit in a forward gear. However, the applicant set out that they did not consider that this was necessary given that The Drive is subject to a 30mph speed limit. In addition, the applicant notes that the County Council's own policy states '*that this is acceptable and is unacceptable where roadways are located on roads with speed limits for 40mph or above. In this instance, The Drive is 30mph and therefore there is no requirement for vehicles to manoeuvre within the site*'. Herts Highways were subsequently re-consulted in relation to the above comments.
- 7.11.7 In response, Herts Highways have advised that they raise no objection to the parking arrangement. The Highways Officer notes that the new vehicle crossover point closest to the school is designed to provide access to only three car parking spaces and that the number of movements associated with this number of parking spaces linked to a residential use would be low and not significant. Given this, and the availability of sufficient visibility for a 30mph speed limit and the requirement to provide sufficient vehicular to pedestrian visibility via a condition, the Highways Officer has confirmed that there would not be grounds from a highway safety perspective to recommend refusal of the application. It is emphasised that visibility splays would be required and a condition has been suggested should the LPA be minded to approve the application. As such, given the comments made by Herts Highways, it is considered that the proposed access arrangements and parking layout would be acceptable and would not have an impact on the safety or operation of the highway network in accordance with the provisions of the NPPF and Policy CP10 of the Core Strategy.
- 7.11.8 Car Parking: Policy DM13 and Appendix 5 of the Development Management Policies LDD sets out off street car parking requirements for developments and advises the following:
- 2 bedroom dwelling: 2 spaces (1 assigned)
- 3 bedroom dwelling: 2.25 spaces (2 assigned)
- 7.11.9 In this case, the following off street car parking provision would be required to be policy compliant:
- Lower ground floor: 1 x 2 bedroom flat = 2spaces (1 assigned)
- Proposed ground floor: 1 x 2 bedroom flat = 2 spaces (1 assigned space)  
1 x 3 bedroom flat = 2.25 spaces (2 assigned spaces)
- Proposed first floor: 1 x 2 bedroom= 2 spaces (1 assigned)  
1 x 3 bedroom= 2.25spaces (2 assigned)
- Total: 10.5 spaces (7 assigned spaces)

- 7.11.10 The proposed development would provide 5 off street car parking spaces, thus providing 1 allocated car parking space per unit. As such, there would be a total shortfall of 5.5 spaces against the maximum standard and a shortfall of 2 assigned spaces. The development would therefore fail to be in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD. However, on balance, no objections are raised for the following reasons. The proposed development would provide one allocated space per unit, and there would only be a shortfall of 2 assigned car parking spaces. The site is within a twenty minute walk of Rickmansworth Town Centre and its transport links and amenities. Officers note that the walking route is via a pavement containing street lighting and thus a safe route to services would be achievable. It is noted that an alternative route is also available via a footpath to Chorleywood Road, however, it is acknowledged that this would not be suitable for all pedestrians. It is also noted that the proposed development would provide cycle storage to the rear of the site, with the amended plans indicating ramped access for bikes to ensure that they can easily be manoeuvred on site by future occupiers.
- 7.11.11 It is noted that some of the objections received raise concerns in relation to parking and state that the shortfall in car parking would exacerbate car parking issues within the area and compromise the safety of children attending the school.. It is also noted that a car parking survey has accompanied the application and residents have raised objections to its contents, including that it was undertaken in the early hours of the morning. These concerns are noted, however, the applicant has advised that the parking survey was undertaken during these hours as this was during a time when the highest number of residents would be at home. The parking survey undertaken has found that the on street parking stress within the area is low, and is at less than 10%. This is partly due to the fact that many residents within the vicinity benefit from existing driveways. However, officers do recognise, that there may be increased stress on both parking and traffic in the area at drop off and pick up times, which is the case for many schools within the locality.
- 7.11.12 In addition, officers note that due to the location of the site adjacent to the school, that there are parking restrictions operating at certain times of the day within the locality which means that future occupiers and visitors to the site would need to park on street further from the site if required. Residents have raised concerns that vehicles would be displaced to High Close which is a narrow road or to The Climb. Whilst these concerns are acknowledged, it is noted that other parts of The Drive are not covered by restrictions and therefore vehicles may park further into The Drive and future occupiers would not be reliant only on The Climb or High Close. In addition, the shortfall is not considered so significant that a large number of vehicles would be displaced to result in harm. Furthermore, it is emphasised that Herts Highways have raised no objection to the development from a highway safety perspective.
- 7.11.13 In summary, taking into consideration the comments received from Herts Highways, it is not considered that the proposed development would result in significant harm to the safety of the highway network or the free flow of traffic to justify refusal. With regard to car parking provision, the shortfall is acknowledged. However, for the reasons outlined above, it is considered that this would result in significant harm to justify refusal of the application. Whilst officers acknowledge that there is traffic and parking stress in the area associated with school pick up and drop off times, the shortfall in car parking would not result in increased demonstrable harm to justify refusal. The proposed development is considered to be acceptable and in accordance with Policy CP10 of the Core Strategy and Policy DM13 and Appendix 5 of the Development Management Policies LDD. .

## 7.12 Energy Efficiency

- 7.12.1 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 expected carbon emissions.

7.12.2 Policy DM4 of the Development Management Policies LDD 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.

7.12.3 An Energy Report has accompanied the application and sets out that the proposed development would achieve a 59.61% less carbon emissions relative to Building Regulations Part L (2022) and therefore would exceed the requirements set out in Policy DM4 of the Development Management Policies LDD. The report sets out that this would be achieved through the design of the external elements of the building and through the use of an air source heat pump. It is noted that full details of the air source heat pump have not been provided with the application, and therefore, if the development was considered to be acceptable, full details of its siting and any necessary mitigation measures in relation to noise would be required via a condition.

### 7.13 Refuse and Recycling

7.13.1 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.

7.13.2 The plans indicate the provision of bin storage located adjacent to the boundary with no.84. It is assumed that kerb side collection would be required as is the existing situation and no objection is raised. Were the development to be considered acceptable, a full waste and recycling strategy could be secured via a condition. This would be required to ensure that the bins did not obstruct access or the adjoining highway on collection days.

### 7.14 Planning Balance

7.14.1 The LPA cannot currently demonstrate a 5-year housing land supply, and therefore paragraph 11 of the NPPF (2024) is engaged. Paragraph 11 and footnote 8 clarifies "this includes, for applications involving the provision of housing, situations where: the local planning authority 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). In the context of decision-taking Paragraph 11 continues,

*"Plans and decisions should apply a presumption in favour of sustainable development b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless...*

*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*

*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."*

7.14.2 Therefore, the tilted balance exercise requires planning permission to be granted unless any adverse impact of doing so would significantly and demonstrate outweigh the benefits.

7.14.3 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental. The development would make a moderate contribution towards making up the shortfall in housing in the district, by adding four dwellings to the overall housing supply. There would also be some limited economic benefits from the construction activities and the future occupiers' ability to assist in supporting local settlements by using nearby amenities, albeit this would be limited.

7.14.4 However, the above analysis has identified that the proposed development by reason of the alterations to the frontage would result in significant harm to trees which are protected by an existing tree preservation order. The extent of encroachment into the RPA by more than 20%, means that the trees would be unable to develop to maturity. Furthermore, whilst technically, vehicles would be able to enter and exit the site, the constrained nature of the frontage and its use will likely lead to a degradation of tree cover along the frontage and result in future pressure for significant topping, lopping and felling. This would significantly impact on the sylvan character of The Drive and the visual amenities of the wider locality. The harm is considered to be significant. It is therefore considered that the adverse impacts of granting would significantly and demonstrably outweigh the benefits.

**8 That the decision be delegated to the Head of Regulatory Services to write to the Planning Inspectorate to confirm that in the absence of an appeal against non-determination, planning permission would have been REFUSED for the following reason:**

*The proposed development by reason of the alterations to the frontage including the increase in hardstanding will result in significant encroachment into the existing root protection of areas of protected trees, allowing insufficient space for their future growth. Furthermore, the constrained nature of the proposed parking area will likely lead to degradation of tree cover along the front boundary. The proposed development would fail to allow the existing protected trees to grow to maturity without impacting visibility or resulting in shading and damage, leading to future requests for topping, lopping and felling. The deterioration or loss of protected trees will be detrimental to the sylvan character of the locality and the visual amenities of the area, contrary to Policy CP12 of the Core Strategy (2011), Policy DM6 of the Development Management Policies LDD (2013) and the NPPF.*

**8.1 Informatives:**

11 The Local Planning Authority has been positive and proactive in considering 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. Whilst the applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions, and the applicant and/or their agent and the Local Planning Authority discussed the scheme during the course of the application, the proposed development as amended fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.

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## 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 31<sup>st</sup> 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 11<sup>th</sup> May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19<sup>th</sup> May 2016.
- 1.2 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1<sup>st</sup> 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 1<sup>st</sup> 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 24<sup>th</sup> July 2018 a new version of the National Planning Policy Framework<sup>1</sup> (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.”*

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<sup>1</sup> 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.

- 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.”

1.5 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)<sup>2</sup>** of affordable housing contributions in respect of unimplemented but current planning permissions. All of

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<sup>2</sup> 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.

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 developments which contribute a net dwelling gain. Of those only 19 have been permitted to lapse which is only 6.6% of all such schemes<sup>3</sup>.
- 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 determined<sup>4</sup> 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:

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<sup>3</sup> 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.

<sup>4</sup> Includes refused and approved applications. Excludes prior approval developments.

- 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:

***“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 2016<sup>5</sup>, the lowest quartile house price in Three Rivers in 2016, representing the cheapest properties in the District was £325,000.00, making it the **fifth**<sup>6</sup> 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
<b>5</b>	<b>Three Rivers</b>	<b>£325,000.00</b>

**Table 1.**

<sup>5</sup> ONS (2025) *Dataset: House price to residence-based earnings ratio Table 6a*  
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

<sup>6</sup> 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).

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 £404,500<sup>7</sup>. 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	<b>Three Rivers</b>	<b>£404,500.00</b>
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 £33,056.00<sup>8</sup>, 12.24 times below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings<sup>9</sup>). 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 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 11.57<sup>10</sup> (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).

<sup>7</sup> Office for National Statistics (2025) *Dataset: House price to residence-based earnings ratio Table 6a*  
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

<sup>8</sup> Office for National Statistics (2025) *Dataset: House price to residence-based earnings ratio Table 6b*  
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

<sup>9</sup> Office for National Statistics (2025) *Dataset: House price to residence-based earnings ratio Table 6c*  
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

<sup>10</sup> Office for National Statistics (2025) *Dataset: House price to residence-based earnings ratio Table 5c*  
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

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
<b>8</b>	<b>Three Rivers</b>	<b>11.57</b>

**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 12.24<sup>11</sup>, 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 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

<sup>11</sup> Office for National Statistics (2025) Dataset: House price to residence-based earnings ratio Table 6c <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

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 sites<sup>12</sup> 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:

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<sup>12</sup> Sites with completions in the monitoring year 2023/24

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%
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%)<sup>13</sup>. 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 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:

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<sup>13</sup> See footnote 3.

*“...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.”<sup>14</sup>*

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 22<sup>nd</sup> 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 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 11<sup>th</sup> 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 7<sup>th</sup> 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*

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<sup>14</sup> Paragraph 7, Planning Inspectorate Letter, March 2017.

*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 22<sup>nd</sup> 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 10<sup>th</sup> 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 9<sup>th</sup> 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 7<sup>th</sup> 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: 21<sup>st</sup> 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 8<sup>th</sup> 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 18<sup>th</sup> 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 4<sup>th</sup> 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 15<sup>th</sup> 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: 10<sup>th</sup> 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: 16<sup>th</sup> 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: 29<sup>th</sup> 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: 30<sup>th</sup> 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: 23<sup>rd</sup> 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: 27<sup>th</sup> 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: 10<sup>th</sup> 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: 8<sup>th</sup> 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: 20<sup>th</sup> 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: 7<sup>th</sup> 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: 18<sup>th</sup> 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: 10<sup>th</sup> 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: 3<sup>rd</sup> 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: 3<sup>rd</sup> 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: 14<sup>th</sup> 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: 21<sup>st</sup> 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/egcl-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/ratioofhousep  
ricetoresidencebasedearningslowerquartileandmedian](https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousep<br/>ricetoresidencebasedearningslowerquartileandmedian)

**July 2025**







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## PLANNING COMMITTEE – Monday 16 February 2026

**25/1671/FUL – Variation of Condition 2 (Plans) and 25 (Obscure Windows) pursuant to planning permission 22/1148/FUL to allow alterations to fenestration detailing, omission of terrace balconies, addition of AOV rooflights and submission of hard and soft landscaping details including landscape management at BEESONS YARD, BURY LANE, RICKMANSWORTH, HERTS.**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 29 December 2025  
Agreed Extension of Time: 27 February 2026

Ward: Rickmansworth Town  
Case Officer: Matthew Roberts

### **Development Type: Major development**

Recommendation: That planning permission is **granted**, subject to the completion of a Deed of Variation to a Section 106 Agreement pursuant to planning permission 22/1148/FUL dated 18 December 2023; securing an occupancy age restriction, affordable housing contribution, controls on parking permits, amendment to traffic regulation order and Waste Management Scheme, and planning conditions as set out below at Section 7.

Reason for consideration by the Committee: This application has been called in by Batchworth Community Council for the reasons expressed in paragraphs 4.1.2 and 4.1.3.

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

[25/1671/FUL | Variation of Condition 2 \(Plans\) and 25 \(Obscure Windows\) pursuant to planning permission 22/1148/FUL to allow alterations to fenestration detailing, omission of terrace balconies, addition of AOV rooflights and submission of hard and soft landscaping details including landscape management. | Beesons Yard Bury Lane](#)

## **1 Relevant planning and enforcement history of the application site**

- 1.1 16/2620/FUL: Demolition of existing single storey temporary storage building and construction of four storey commercial building connecting to the existing two storey commercial building. Withdrawn.
- 1.2 21/1971/FUL: Demolition of existing buildings and structures and erection of a 48-unit Extra Care facility (Use Class C2) with car parking and associated landscaping. Refused, for the following reasons:

*R1: The proposed building by virtue of its excessive height, elevated bulk and massing which is exacerbated by the use of large crown roofs would result in an unduly prominent form of development which would have a significant harmful impact on the character and appearance of the area and adjacent street scenes. The development is therefore contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).*

*R2: The proposed building by virtue of its height and the lack of separation distances to Chesswood Court would significantly alter current privacy levels enjoyed by the occupants of Chesswood Court and would also unacceptably impact the level of light reception to a number of flats within the adjacent flatted development. The reduced privacy levels would adversely affect the occupants of Chesswood Court while the loss of light would further impact the residents' enjoyment of the flats to such an extent that their living conditions would be unacceptably eroded to the detriment of their residential amenity. The*

*development is therefore contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).*

*R3: In the absence of a Section 106 agreement to remove the ability for future occupiers to obtain parking permits the development would give rise to exacerbation of parking pressure within the Rickmansworth Town Centre locality and therefore fails to ensure that the development is acceptable in accordance with the requirements of Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).*

- 1.2.1.1 A planning appeal made against the refusal was subsequently allowed on 4 November 2022 (APP/P1940/W/22/3300549). Not implemented.
- 1.2.2 22/1148/FUL: Demolition of existing buildings and structures and construction of a 43-unit retirement living scheme (Use Class C3) with car parking and associated landscaping. Permitted and being built out.
- 1.2.3 24/0890/NMA: Non-material amendment to planning permission 22/1148/FUL: To allow amendments to wording of Condition 19 (Parking Management Plan) and submission of Parking Management Plan. Permitted.
- 1.2.4 24/1123/NMA: Non-material amendment to planning permission 22/1148/FUL to allow for alterations to external materials, alterations to balcony structure and increase to ground floor footprint to south western corner. Permitted.
- 1.2.5 24/0143/COMP: Breach of Condition 3 (Construction Management Plan) of planning permission 22/1148/FUL, works not in accordance with planning permission. Pending.
- 1.2.6 26/0051/VAR: Deed of Variation: Variation of the existing S106 Agreement (relating to planning permission 22/1148/FUL) to amend the minimum age restriction clause for the Principal Occupant from the age of 60 to 55. Pending.

## **2 Description of Application Site and Surroundings**

- 2.1 The application site contains a recently constructed part four, part three storey building containing 43 flats for retirement living along with associated parking area, amenity area, soft landscaping and attenuation pond. The application site is accessed by a long internal road from the western side of Bury Lane in Rickmansworth. The building is not yet occupied.
- 2.2 The access road abuts Gables Cottage (a Locally Important Building, Non-Designated Heritage Asset), Chesswood Court and Bury Mews. Chesswood Court comprises two flatted developments, a two storey building fronting Bury Lane and a three storey building with its associated parking and communal gardens, the latter of which abuts the eastern boundary of the application site. Bury Mews is a collection of two storey dwellings, two of which front Bury Lane with three immediately behind.
- 2.3 To the immediate south of the site there is a large garage court which is accessed via Goral Mead. Further garage courts adjoin the north western boundary of the site, also accessed via Goral Mead. Within Goral Mead there are a number of three/four storey buildings with parking bays abutting the application site. To the north is the Town Ditch which separates the site from the gardens of two storey dwellings which front Ebury Road.
- 2.4 In terms of policy designations, the application site falls within the Principal Town, Source Protection Zone 1, Flood Zones 2 and 3 and parts of the access drive fall within the Rickmansworth Town Centre Conservation Area, the boundary of which abuts the Town Ditch to the immediate north of the application site.

### 3 Description of Proposed Development

3.1 This application has been submitted via section 73 of The Town and Country Planning Act 1990 (as amended) which enables the determination of applications to develop land without compliance with conditions previously attached. The development has been largely fully constructed. This report will only focus on the changes proposed as the building and its use has been the subject to a previous grant of planning permission (22/1148/FUL) so the principle of the development cannot be re-visited as part of this application.

3.2 The applicant is applying to vary Condition 2 (Plan Numbers) and Condition 25 (Obscure Windows) pursuant to planning permission 22/1148/FUL to allow for the following changes from the permitted development, hereafter referred to as “the original planning permission”:

- **Larger windows within the northern and western elevations:** The applicant has stated that these windows were enlarged in height and design to achieve a clear actual ventilation area to accord with Approved Document B Fire Safety of the Building Regulations. The windows are Automatic Opening Vents (AOVs) and thus when required to do so can mechanically tilt open. The windows to the northern elevation have been fitted with obscure film, rather than purpose made obscure glazing. However, during the course of the application the applicant has confirmed that they intend to install purpose made obscure glazing (level of obscurity at level 5) to the windows within the northern elevation, prior to first occupation of the building (subject to change as awaiting confirmation from the applicant). There was no requirement to install obscure glazing to the windows within the western elevation.

- **Stairwell windows to northern elevation:** These windows have been inserted smaller in height than approved, have been fitted with purpose made obscure glazing but are contrary to Condition 25 of the original planning permission as they are bottom opening. The windows have all subsequently been fitted with a restrictor which prevents the windows opening outwards by more than 50mm. The applicant therefore is seeking an amendment to Condition 25 to read as:

*“Prior to the first occupation of the development hereby permitted, the windows on the northern elevation (closest to the northern boundary of the application site) above ground floor level; shall be fitted with purpose made obscured glazing or coated with a permanent obscured ‘film’. The windows shall be top level opening at 1.7m above the floor level, or fitted with a 50mm restrictor to restrict opening to an extent that prevents views out of the windows to neighbouring property. The windows shall be permanently retained in an obscured and restricted manner thereafter.”*

- **Plans updated to ensure consistency between floor plans and elevations:** The elevation drawing (PL 506 Rev H) showing the recessed fourth floor has been updated to reflect the approved floor plans, i.e. three Juliet balconies and four windows.

- **Safety railing added to eastern elevation:** A metal balustrade has been added to the parapet wall on the eastern elevation at the fourth floor to allow for maintenance. All Juliet balconies required to the flats to this part of the building have been affixed as per the original planning permission (*note: the flat roof was conditioned only to be accessed for maintenance purposes*).

- **Addition of roof hatches:** Two roof AOV rooflights have been installed which according to the applicant required were following consultation with Herts Fire and Rescue Service.

- **Omission of external stack balconies to western elevation and corner elevations:** The two stacked balconies to the western elevation have not been installed nor have the corner balconies between the western and corner with the set back northern elevation. The reasoning for their omission is because they would create an evacuation

risk and to improve daylight / sunlight levels for flats on the north facing elevation. Black metal Juliet balconies have been installed instead.

- **Submission of hard and soft landscaping details including landscape management:** During the course of the application the soft landscaping scheme was amended to retain existing trees to the northern boundary, adjacent to the attenuation pond as well an area for a potting shed and planters. The use of permeable block paviours to the access road has also been altered to permeable tarmac which does not alter the drainage strategy for the development.

3.3 The changes including comparisons with the original planning permission have also been set out in **Appendix A, along with site photographs.**

3.4 A number of reiterations of drawings have been submitted during the course of the application as the original plans failed to adequately relate to the works as built and applied for. Further works have also occurred during the application process which have led to further changes, all of which have been referred to above. Two Covering Letters were provided by the applicant, dated 4 November 2025 and 9 December 2025 which highlight the changes. The changes to the drawings led to three consultations exercises.

3.5 The development will still be served by 30 parking spaces as per the original planning permission, with the layout having been slightly altered.

3.6 Recent reports from local residents have also referred to the installation of a greater number of bollard lighting within the car park area, contrary to the details approved by the Council as part of the original planning permission, secured by Condition 27. This condition does provide some degree of flexibility on external lighting, but it must be agreed by the Local Planning Authority (LPA) which is not the case yet and is currently being discussed outside of this application.

## 4 Consultation

### 4.1 Statutory Consultation

4.1.1 Batchworth Community Council: 1<sup>st</sup> comments provided on 14 October.

BCC discussed and noted this application

4.1.2 Batchworth Community Council: 2<sup>nd</sup> comments provided on 14 October [Object, Call-in]

Given the increased scale of the side windows compared with the approved plans, and the proximity of the smaller neighbouring dwellings, the change materially increases light spill and visual intrusion. To protect residential amenity, it is reasonable and proportionate to require proper obscure glazing and appropriate light-control measures — such as tinting and timed or automatic lighting — to ensure the development does not result in unacceptable harm.

In addition to this BCC further request:

- All the currently 'film covered' windows be changed to obscure glazing compliant with current regulations.
- All communal areas such as corridors are to be illuminated by motion sensors.
- An additional planting scheme of hedging and / or tree saplings for screening on the North side of the plot be submitted and approved.

BCC would like to call this into committee unless officers are minded to refuse.

4.1.3 Batchworth Community Council: 3<sup>rd</sup> comments provided on 17 December [Object, Call-in]

BCC would like to continue to call this application into committee, as we feel our previous comments have not been fully addressed. In particular, it is not clear that the glass within the stair and corridor windows have been replaced with obscured glass rather than obscured film.

Batchworth Community Council confirmed that they wished for the application to remain on the agenda.

4.1.4 Herts Fire & Rescue: Advisory comments.

Re the corridor AOV windows, they are required due to the extended travel distances in the corridors, it's not a demand by HFRS as such. They are required to comply with the guidance as given by Approved Document B. The size is dictated by the required available free space. As they appear to be louvred windows then the free space is calculated by the area of opening with the louvres in the open position. This would normally mean the free space is less than the area of the window.

The roof AOV does have to be above the flat roof and the height will be determined by what else is around it, this is to ensure the smoke is blown clear of the vent and does not re enter the stairs as the smoke cools.

The height of the roof vent and the size of the windows is calculated as part of the fire strategy for the building and in designing the AOV system. It is not calculated by HFRS.

## 4.2 Public/Neighbour Consultation

4.2.1 As a result of amendments to the scheme, three re-consultations took place; 3 October; 6 November and 10 December.

4.2.2 Number consulted: 186

4.2.3 No of responses received:

- 8 (1<sup>st</sup> consultation - objections)
- 1 (2<sup>nd</sup> consultation - objections)
- 4 (3<sup>rd</sup> consultation - objections)

4.2.4 Site Notices: Expired 27.11.2025

4.2.5 Press Notice: Expired: 05.12.2025 (Watford Observer)

4.2.6 Summary of Responses from consultations:

- No longer a run of equal shaped windows on the north elevation
- Original window shape looks better than the change
- Window design out of keeping with the style originally approved as twice the size
- Has an adverse effect on the conservation area and Ebury Road streetscene
- Large windows increase light pollution and have an overwhelming, oppressive impact on the private amenity of the residential properties in Ebury Road
- Windows not installed with purpose made obscure glazing
- Proposed amended condition relating to stairwell window is ambiguous
- Window frames should be more in keeping and glass made less reflective / mirror like
- No evidence to support that the AOV windows need to be full height
- Developer has previously breached planning conditions

- Council should insist on compliance to agreed conditions, i.e. require proper obscure glazing, not inadequate film and corridors and stairwells to be illuminated by motion sensor activated lighting.

4.2.7 Comments were also received from The Rickmansworth & District Residents Association (RDRA) objecting to the application for similar reasons referred to above.

## **5 Relevant Planning Policy, Guidance and Legislation**

### **Legislation**

5.1 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).

6.2 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.

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

5.3 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.

5.4 Environment Act 2021.

### **Policy / Guidance**

5.5 NPPF:

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

5.6 Development Plan:

5.6.1 The Three Rivers Local Plan:

5.6.1.1 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM1, DM3, DM4, DM6, DM8, DM9, DM10, DM13 and Appendices 2 and 5.

5.6.2 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include: PSP1, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP12 and CP13.

5.6.3 The Batchworth Neighbourhood Plan (Referendum Version) January 2025. Relevant policies include: BW GB1 (Biodiversity), BW CC1 (Sustainable design and construction), BW CC3 (Sustainable Drainage), BW C01 (Housing type), BW CO2 (Rickmansworth town centre uses), BW CO4 (Rickmansworth town centre design principles), BW CO7 (Employment), BW DE1 (High quality design) and BW AM1 (Active and healthy travel).

Other:

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

- 5.8 Planning Practice Guidance (NPPG)
- 5.9 Rickmansworth Conservation Area Appraisal and Character Assessment (adopted 1993)
- 5.10 Affordable Housing Supplementary Planning Document (adopted June 2011)
- 5.11 Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing (February 2022)
- 5.12 South West Hertfordshire Local Housing Need Assessment (September 2024)
- 5.13 Housing Delivery Test Action Plan (June 2024).
- 5.14 Housing Land Supply Update (December 2024).
- 5.15 Technical Housing Standards – nationally described space standards (March 2015).

## **6 Planning Analysis**

### **6.1 Overview**

- 6.1.1 The original planning permission was granted by the LPA via reference 22/1148/FUL on 20 December 2023 and was subject to a section 106 agreement which secured the following heads of terms:
  - an occupancy restriction (as the development is for retirement living)
  - restriction on ability for future residents to apply for parking permits
  - contribution towards traffic regulation order amendment (£2,000)
  - waste management scheme for private collection
  - an affordable housing contribution (£549,603 - index linked from the date of the deed).
- 6.1.2 Following the grant of the original planning permission two Non-Material Amendment applications have been permitted for amendments to the wording of the condition relating to the Parking Management Plan (24/0890/NMA) and alterations to external materials, alterations to balcony structure and increase to ground floor footprint to south western corner (24/1123/NMA).
- 6.1.3 An alternative scheme was granted at appeal for the demolition of the existing buildings and structures and the erection of a 48-unit Extra Care facility (Use Class C2) with car parking and associated landscaping. This scheme was never implemented.
- 6.1.4 During construction works relating to the original planning permission there have been breaches of planning control. These relate to the hours of work as secured by the Construction Management Plan and works not conforming to the original planning permission. This application has been submitted as a direct result of discussions with officers pertaining to the on-going enforcement investigation 24/0143/COMP.
- 6.1.5 In consideration of this section 73 application, the LPA can decide to:
  - a) grant planning permission subject to conditions differing from those subject to which the original planning permission was granted, or,
  - b) decide that planning permission should be granted subject to the same conditions as those subject to which the original planning permission was granted, then this application should be refused.
- 6.1.6 Paragraph 140 of the NPPF states that local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

- 6.1.7 The relevant material considerations are set out below.
- 6.2 Principle of development:
- 6.3 The principle of development has been agreed and the development constructed but not yet occupied. It is therefore considered that the need for this type of housing development and the loss of the pre-existing commercial units does not need to be revisited as part of this application.
- 6.4 Impact on neighbouring amenity
- 6.4.1 Policy DM1 and Appendix 2 (Design Criteria) of the Development Management Policies LDD states that new development should take into consideration impacts on neighbouring properties, both within and surrounding the development. 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.
- 6.4.2 Policy DM9 of the Development Management Policies LDD states the Council will refuse planning permission for development which would or could give rise to polluting emissions to land, air and/or water by reason of disturbance, noise, light, smell, fumes, vibration, liquids, solids or other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained.
- 6.4.3 Objections have been raised regarding the detrimental impact the changes will cause to neighbouring amenity, especially those on Ebury Way who back onto the site. A site visit was undertaken to neighbouring properties on Ebury Road in August 2025, prior to the submission of the planning application.
- 6.4.4 When considering the changes and their associated impacts, each relevant change has been considered in turn.

**Larger windows within the northern and western elevations:**

- 6.4.5 It is recognised that the windows serving the communal corridors within the northern and western elevations were consistent with the adjacent stairwell windows, in terms of size, colour and the requirement for the windows in the northern elevation to be inserted with purpose made obscure glazing.
- 6.4.6 The new AOV windows given their increased height, siting, and tilted opening design means they now appear more visually apparent than what would likely have been the case if the original permitted windows were installed. It is further acknowledged that their visibility from properties on Ebury Way will change depending on the time of year given the patchy vegetated coverage along the boundary with the application site / Town Ditch. However, whilst larger and visually more apparent, the windows are not considered to be un-neighbourly or have a detrimental impact on residents' outlook. However, it is recognised that the impact arising from the windows presence within the northern elevation is mitigated significantly by the window's obscurity, as this ensures that privacy levels are maintained and the intensity of the internal lighting is suitably mitigated to prevent any harmful impacts. Whilst residents from Ebury Lane have highlighted concerns with the level of internal lighting omitting from these windows, this was prior to the application of an obscure film. Additionally, the applicant has confirmed that corridor lights will be operated as motion sensors when the building is operational.
- 6.4.7 In terms of the obscured nature of the windows, it is noted that they have not been installed with purpose obscure windows as required, but instead applied with an obscure film which is not a permanent solution. Policy DM9 sets out that appropriate mitigation measures can be put in place but must be permanently maintained. It is recognised that a suitably worded planning condition can ensure that the film is always maintained and from an internal site

visit the film applied is difficult to remove and serves a communal area. However, given the siting and increased size of the windows, the concerns of residents are understood, and a more permanent solution would provide greater safeguards. The applicant has confirmed that they will be replacing the windows to ensure they are inserted with purpose made obscure glazing. To ensure that the residents privacy levels are permanently maintained, a suitably worded condition has been applied to require the windows to be altered.

6.4.8 In terms opening abilities of the AOV windows, as approved they should have been top-opening only. However, the windows are now able to tilt open for its full height, however, importantly this will only occur in the case of an emergency and is mechanically operated. On the basis that the windows are likely to remain shut, a suitably worded condition can be applied to safeguard privacy levels.

6.4.9 The change to AOV windows on the western elevation has had no detrimental effect on the residents of Goral Mead as they overlook the adjacent road and parking areas.

**Stairwell windows to northern elevation:**

6.4.10 The stairwell windows have been inserted with purpose made obscure glazing and whilst bottom opening, a restrictor has been applied which significantly restricts the ability to open the windows by more than 50mm. Additionally, the windows serve stairwells and do not form part of the flats. Therefore, subject to a suitably worded condition, these windows are acceptable and do not harm residential amenity.

**Safety railing added to eastern elevation:**

6.4.11 The addition of the metal balustrades to the eastern elevation serving a flat roof area do not affect neighbouring amenity. A condition previously applied to the original planning permission in respect of the use of the flat roof would continue to be applied to prevent use by residents.

**Addition of roof hatches:**

6.4.12 The roof hatch adjacent to the northern elevation is visible, but generally only glimpsed when at ground level, unless at a significant distance away. The rooflights are relatively minimal in scale and do not adversely affect residential properties on Coral Mead or Ebury Road.

**Omission of external stack balconies to western elevation and corner elevations:**

6.4.13 The omission of the balconies does not affect neighbouring amenity given their siting relative to residential properties.

**Summary:**

6.4.14 To summarise, the changes are considered acceptable with the exception of the use of film to the AOV windows at first, second, third and fourth levels within the northern elevation which has subsequently been agreed to change to purpose made obscure glazing. The development subject to conditions is therefore considered to comply with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD.

6.5 Design, impact on the character of the area and towards heritage assets (Rickmansworth Conservation Area and Locally Important Buildings)

6.5.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 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' and 'conserve and enhance natural and heritage assets'.

- 6.5.2 Policy DM1 and Appendix 2 of the Development Management Policies document seek to ensure that development does not lead to a gradual deterioration in the quality of the built environment. Appendix 2 of the Development Management Policies LDD sets out that development should not have a significant impact on the visual amenities of the area. Development should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to roof form, positioning and style of windows and doors, and materials.
- 6.5.3 Policy DM3 of the Development Management Policies document states that within conservation areas development will only be permitted if the proposal is of a design and scale that preserves or enhances the character or appearance of the area and does not harm important views into, out of or within the Conservation Area. The policy is silent with regards to the impact on the setting of Locally Important Buildings (referred to as non-heritage designated assets within the NPPF).
- 6.5.4 Policy BW DE1 of the Batchworth Neighbourhood Plan states that development shall respond to local character and wherever possible, contribute towards improvements to character.
- 6.5.5 In close proximity to the application site and fronting Bury Lane are Beresford Almshouses and The Gables, both Locally Important Buildings (non-designated heritage assets).
- 6.5.6 The building is not located within the Rickmansworth Conservation Area but it is visible from views within, especially from Bury Lane and gaps between dwellings in Ebury Way. Whilst visible from Ebury Way, given the wider backdrop of the building and distances involved, the change to the fenestration detailing, addition of rooflights and balustrades do not adversely affect the setting of the Rickmansworth Conservation Area.
- 6.5.7 It is recognised that the larger windows are now no longer consistent with other permitted windows within the northern elevation, however, when considered against the whole building it is not considered that they are out of character or incongruous.
- 6.5.8 The introduction of the metal balustrades to the front elevation, facing Chesswood Court are largely screened by the parapet wall. Nevertheless, their design is consistent with the privacy screens and stacked balconies which are evident elsewhere on the front elevation ensuring that their introduction is in-keeping.
- 6.5.9 The omission of the balconies towards the rear of the building has meant that the length of the building is now not broken up as well as it would have been with the introduction of the stacked balconies which were to provide some visual contrast and interest. However, this part of the building is not readily visible from the adjacent conservation area and is primarily viewed from Goral Mead. When viewed from Goral Mead, there is one stacked balcony and Juliet balconies have been installed which does provide some degree of visual variation. That said, the omission of the balconies and replacement with Juliet balconies has still ensured that the quality of the design of the development has not been materially diminished and does not have a harmful impact on the character of the area.
- 6.5.10 To summarise, it is not considered that the changes adversely affect the setting of the Rickmansworth Conservation Area and non-designated heritage assets, nor do they unacceptably erode the character of the development as initially approved nor harm the character of the area. As a result, the changes to the original planning permission accord with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD, Policy BW DE1 of the Batchworth Neighbourhood Plan and the NPPF.

## 6.6 Affordable Housing

- 6.6.1 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.
- 6.6.2 The original planning permission was supported by a Viability Assessment which was independently reviewed. Upon initial review the Council's Independent Viability Assessor concluded that the applicant should provide the full provision of 19 1 bed and 2 bed flats with a tenure split of 70/30. However, the applicant disagreed with the assessor's Benchmark Land Value (BLV) amount of £750,000. Due to the disagreements, an Independent Commercial Expert was instructed to review the BLV. The findings of the Commercial Expert agreed with the applicant and thus it meant that it would not be viable for the scheme to provide a policy compliant amount of affordable housing. However, the Independent Viability Assessor through his amended review concluded that the scheme could provide for 5, 1 bed flats and 5, 2 bed flats for shared ownership.
- 6.6.3 Nevertheless, due to the nature of the development whereby service charges will be applied to future residents as well incorporating the cost of the private waste collection, on-site affordable units were not considered appropriate in this instance. With this in mind and further to additional guidance received from the Council's Independent Viability Assessor, it was considered that an off-site financial contribution of £549,603 (index linked from the date of the deed), as concluded by the Independent Viability Assessor in their final review, would be the most appropriate means of securing affordable housing (a policy compliant off-site contribution would equate to £3,316,612.5).
- 6.6.4 It was agreed that the contribution should be paid in two instalments, 50% at commencement and 50% prior to occupation, in lieu of any late stage review mechanism.
- 6.6.5 At time of this report, 50% of the contribution has been paid to due with final 50% due prior to occupation. To secure the outstanding affordable housing payment, a deed of variation is required to the section 106 agreement relating to planning permission 22/1148/FUL.

## 6.7 Living conditions of future occupants

- 6.7.1 Policy CP12 of the Core Strategy states that development must protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 6.7.2 Appendix 2 of the Development Management Policies LDD states that amenity space must be provided within the curtilage of all new residential developments. Depending on the character of the development, the space provided may be in the form of private gardens or in part, contribute to formal spaces/settings for groups of buildings or existing mature trees.
- 6.7.3 When applying the development to the indicative standards for flats there would be a requirement for 1,083sqm. From the plans previously approved the total amount of amenity space equated to approximately 700sqm which took into account the communal gardens, private amenity spaces and external balconies (excluded attenuation pond). The resultant external amenity area as built is largely as approved.
- 6.7.4 One of the changes which impacts the quality of accommodation provided is the loss of the stacked balconies which means 21 out of 43 flats would no longer have their own private amenity area, as the balconies have been replaced with Juliet balconies. As permitted, only eight had no private amenity area.

- 6.7.5 Notwithstanding the further loss of private balconies, the corner flats will now benefit from greater light reception which enhances the quality of accommodation on offer. Additionally, whilst recognising the level of amenity space for the original planning permission fell short of the indicative level required by Appendix 2, it was acknowledged that the application site is within a town centre location where there is a general acceptance that developments have smaller amenity spaces given the site constraints and higher densities. In addition, the site is within a short walking distance (8-10 mins) of the Rickmansworth Aquadrome and close to other local public open spaces within Rickmansworth such as The Bury Gardens, Rose Garden and Rickmansworth Park.
- 6.7.6 Additionally, there are a number of distinct areas whereby residents will be able to use, including a landscaped garden with benches/covered seating, and areas of lawn areas. Whilst not sizable in their own right they will still provide spaces for residents to use and full walking connectivity around the entire building will be possible. Consequently, the loss of private balconies is not considered to be detrimental to the living conditions of future residents.
- 6.8 Impact on trees / landscaping
- 6.8.1 Policy DM6 of the Development Management Policies LDD states that development proposals should seek to retain trees and other important landscape and nature conservation features whilst including new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
- 6.8.2 Due to the built-up nature of the application site the majority of trees and landscape features were prior to the redevelopment found along the site's perimeter to the north.
- 6.8.3 In order to facilitate the new building the hedging within the site was removed as approved; with new trees and soft landscaping areas to be introduced to compensate any loss. Two trees along the northern boundary were also shown to be retained and these have remained in situ throughout construction works.
- 6.8.4 Condition 21 of the original planning permission required the submission of a hard and soft landscaping scheme, based on the details provided on drawings PL 500 Rev A & MCS23387 10A (Landscape Masterplan) of the original planning permission which was indicative, to some degree.
- 6.8.5 This application has been supported by a comprehensive landscape proposal which includes the required details secured by Condition 21 of the original planning permission. This has been amended during the application process to retain two existing trees along the northern boundary, which provide valued screening for residents on Ebury Road.
- 6.8.6 Whilst trees have been omitted from the boundary with Chesswood Court, it is not considered that this erodes the quality of the landscaping proposal, especially when considering that this boundary is already well vegetated from the Chesswood Court side.
- 6.8.7 The development proposal would therefore be acceptable in accordance with Policy DM6 of the Development Management Policies LDD.
- 6.9 Impact on highway safety and parking
- 6.9.1 Policy CP10 of the Core Strategy states that all development proposals should be designed and located to minimise the impacts of travel by motor vehicle on the District. In particular, major development will be expected to be located in areas of highly accessible by the most sustainable modes of transport, and to people of all abilities in a socially inclusive and safe manner. The NPPF at paragraph 111 states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.9.2 The application site is served by a single vehicular access from Bury Lane.
- 6.9.3 Internally within the site and along the access road the defined pedestrian route has been removed. There is no objection to this change.
- 6.9.4 With regards to parking, Policy DM13 and Appendix 5 of the Development Management Policies LDD states that for C3 residential (elderly person's accommodation / retirement dwellings) there should be 1.5 spaces per unit for 1 and 2 beds flats which includes a 0.25 allowance for a visitor space. When applied to the development as approved there was a requirement to provide 65 spaces (rounded up from 64.5). The development provided for 30 on-site parking spaces, resulting in a shortfall of 35 spaces.
- 6.9.5 As justification for the shortfall, it was accepted that visitors will attend the site; however, the surrounding roads are all permit parking (or 1 hour no return within 1 hour (Mon-Sat 8.30 to 6.30pm)) meaning the majority of visitors will either park on site, use the parking bays on local roads for an hour or use the local public car parks, of which there are plenty within a short walking distance. The existence of permit parking and 1 hour return was also considered to deter future residents from parking here as they would need to park outside the parking zone which is a significant walk from the site. Notwithstanding the above, to ensure that residents and staff are unable to park on the surrounding road networks, a legal obligation was secured preventing those associated with the development from applying for a permit. The deed of variation to the legal agreement would need to secure the parking permit controls to prevent the permanent use of the permit parking spaces along Bury Lane and other nearby roads as well as ensuring that parking in the area is not displaced or put under further pressure as a result of this development. Secondly, the development will be age restricted where car ownership is statistically lower. Additionally, all residents will be aware of the parking requirements on site; however, importantly the site is well connected to local amenities and transport connections. Lastly, the development would be served by an electric car club on site which will enable a vehicle to be shared and offer greater choice for future occupiers. The details of the car club have been secured by condition and will be re-imposed as a compliance condition.
- 6.9.6 In respect of cycling parking, Appendix 2 sets out that for retirement dwellings there should be 1 short-term space per 3 flats and 1 long-term space per 5 flats. When applied to the development 22.6 cycle spaces (14 externally and 8.6 internally) should be provided. Externally, there would be a cycle rack for 4 cycles, while none are currently provided internally. However, the buggy store could be used flexibly to cater for demand amongst residents. Whilst the external storage is lower than required, it is recognised that the development can be flexible to increase storage if demand requires. Therefore, no objection is held in this regard.
- 6.10 Waste Management
- 6.10.1 Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013) 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
- 6.10.2 The proposal development falls within a residential use whereby there is an obligation for the residents to have their waste collected by the Council. However, due to access

constraints given the location of the parking bays on Bury Lane, the vehicles used by the Environmental Protection department would be unable to enter the site to collect waste.

- 6.10.3 When looking at alternatives as part of the original planning permission, there was insufficient room within the internal access road to provide a bin collection point which could have been collected by the Council. This part of the site is also within the Rickmansworth Conservation Area where such a collection point may be visually unacceptable. As a result, it is considered that the only option was for the waste and recycling to be collected by a private contractor. The details of which were secured by a Waste Management Scheme which formed part of the S106 agreement. Such details would need to be re-secured prior to the grant of this application.
- 6.10.4 In light of the above, subject to the agreement of a deed of variation to the S106 agreement the use of a private contractor would, in this instance due to the site circumstances, be acceptable and would ensure acceptable waste management in accordance with Policy DM10 of the Development Management Policies LDD.
- 6.11 Flooding and Drainage
- 6.11.1 The NPPF at paragraph 170 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 6.11.2 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 also requires development to include Sustainable Drainage Systems (SuDs).
- 6.11.3 Policy DW CC3 of The Batchworth Neighbourhood Plan 2023-2038 (Referendum Version) states that the design of SuDS should reflect best practice and follow the SuDS hierarchy as set out in the LLFA Summary Guidance for Developers.
- 6.11.4 There are no changes to the approved drainage strategy which is in the process of being implemented on site. Conditions have been applied which requires the drainage strategy to be constructed as originally approved and that details of the completed drainage works are submitted to the Council.
- 6.12 Wildlife & Biodiversity
- 6.12.1 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.
- 6.12.2 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. Policy DM6 sets out that development must conserve, enhance and, where appropriate, restore biodiversity. It refers

to measures that relate to protection, compensation and management of habitats and species, amidst others.

6.12.3 Paragraph 193 of the NPPF states that when determining planning applications, local planning authorities should a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused, b) development on land or outside of a Site of Special Scientific Interest, and which is likely to have an adverse effect should not normally be permitted, c) development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional reasons and d) development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to improve biodiversity in and around developments should be integrated as part of their design.

6.12.4 The changes proposed have no detrimental impact on biodiversity.

#### 6.13 Biodiversity Net Gain (BNG)

6.13.1 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% biodiversity value. This is subject to exemptions as set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

6.13.2 Policy BW GB1 of The Batchworth Neighbourhood Plan 2023-2038 (Submission Version) states that development proposals must manage impacts on biodiversity and secure a minimum net biodiversity gain of 10%.

6.13.3 This application is exempt from BNG as it is a variation to a planning permission which was granted prior to the mandatory BNG taking effect.

#### 6.14 Sustainability

6.14.1 Policy DM4 of the Development Management Policies LDD sets out that development must produce at least 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.

6.14.2 Policy BW CC1 of The Batchworth Neighbourhood Plan states that the design and standard of any new development should aim to meet a high level of sustainable design and construction and be optimised for water and energy efficiency.

6.14.3 The development has been incorporated by energy efficient building fabric, double glazed windows, low energy lighting, high efficient heating systems and solar panels (located on the roof) which combined exceeded the policy standard.

6.14.4 The changes proposed under this application do not effect compliance with the previous requirements.

#### 6.15 Planning Balance

6.15.1 The NPPF at paragraph 11 states the plans and decisions should apply a presumption in favour of sustainable development. For decision making in this means (c) approving development proposals that accord with an up-to date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are most

important for determining the application are out-of-date, granted planning permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

6.15.2 The above assessment has found that the development is acceptable in accordance with the development plan. However, if an alternative view was taken, paragraph 11 of the NPPF and the presumption in favour of sustainable development must be considered.

## 6.16 Summary, Conditions and S106

6.16.1 The changes proposed and as amended during the course of the application are acceptable and planning permission should be granted subject to conditions differing from those subject to which the original planning permission was granted.

6.16.2 As the building has been built many previously imposed planning conditions now fall away. However, it is important that the conditions listed at section 7 are imposed to ensure an acceptable form of development which safeguards neighbouring amenity and preserves the character of the area. The majority are compliance conditions as details have previously been approved by Approval of Details Applications (commonly referred to as discharge of condition applications). Additionally, the suggested amendment to Condition 25 by the applicant has been amended and is now listed as Condition 20 at section 7.

6.16.3 A deed of variation is required to the Section 106 Agreement which was secured via planning permission 22/1148/FUL. The heads of terms remain the same as those previously secured. The affordable housing contribution (£274,801.50) due prior to commencement and the contribution towards the amendment to the traffic regulation order (£2,000) have already been paid. The S106 will however need to secure the remaining 50% of the affordable housing contribution (£274,801.50), controls on parking permits, occupancy age restrictions, and the submission of a Waste Management Scheme for agreement.

## 7 **Recommendation**

7.1 That **PLANNING PERMISSION IS GRANTED**, subject to the completion of a Deed of Variation to a Section 106 Agreement pursuant to planning permission 22/1148/FUL dated 18 December 2023; and the following conditions:

C1 In accordance with plans:

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

*LP 01 (site location plan); LP02 (Site Context - Conservation Area Plan); LP 03 (Site Context Plan - Building Heights); LP 04 (Combined Title Information Plan); TS15129X1 (Existing Floor Plans 1); TS15129X2 (Existing Floor Plans 2); TS15129X3 (Existing Floor Plans 3); TS15129X4 (Existing Elevations); **PL 500 Rev B (Proposed Site Plan); PL 503 Rev F (Proposed Ground & First Floor Plans); PL504 Rev F (Second & Third Floor Plans); PL505 Rev C (Proposed Roof Plan); PL506 Rev H (Proposed South & Eastern Elevations); PL 507 Rev H (Proposed Northern & Western Elevations); PL 509 (Sub-station Elevations); SV 01 (Topographic Survey); MCS23387 11M (Landscape Masterplan); MCS23387-15D (Landscape Boundary Details); 1691-KC-XX-YTREE-TPP01 Rev 0 (Tree***

*Protection Plan).*

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies PSP1, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policy SA2 of the Site Allocations Local Development Document (adopted November 2014), and Policies BW GB1, BW CC1, BW CC2, BW CC3, BW C07, BW CO8, BW DE1 & BW AM1 of the Batchworth Neighbourhood Plan 2023-2038 and the NPPF (2024).

C2 Construction Management Plan:

The construction of the development shall only be carried out in accordance with the Construction Management Plan agreed via Approval of Details Application 24/0148/DIS, granted by the Local Planning Authority on 28 March 2024.

Reason: In order to protect highway safety and to mitigate the impact of construction activity on adjacent residential properties, in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policies DM9 and DM10 of the Development Management Policies LDD (adopted July 2013).

C3 Archaeology Written Scheme of Investigation including post investigation assessment:

The development shall be carried out in accordance with the Written Scheme of Investigation for an Archaeological Evaluation (December 2023), agreed via Approval of Details Application 24/0148/DIS granted by the Local Planning Authority on 28 March 2024 and the Archaeological Evaluation (November 2024), agreed via Approval of Details Application 25/0106/DIS granted by the Local Planning Authority on 3 April 2025.

Reason: To evaluation/mitigation necessary to protect any archaeological remains present within the development site in accordance with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

C4 Remediation Strategy:

The development shall be carried out in accordance with the Remediation Strategy and Verification Plan (June 2024) prepared by Crossfield Consulting, agreed via Approval of Details Application 24/1131/DIS granted by the Local Planning Authority on 12 August 2024.

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 in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C5 Surface Water Drainage Scheme:

The development shall be carried in accordance with the Detailed Surface Water Drainage Scheme (Issue 1 dated 19 January 2024) prepared by Infrastructure Design Limited and letter dated 8 May 2024 from Infrastructure Design Limited, agreed via Approval of Details Application 24/0660/DIS granted by the Local Planning Authority on 5 June 2024.

Reason: To ensure that the development would not be subject to unacceptable risk of flooding in accordance with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM8 of the Development Management Policies LDD (adopted July 2013) and Policy BW CC3 of the Batchworth Neighbourhood Plan 2023-2038.

- C6 Construction Ecological Management Plan:  
The development shall be carried in accordance with the Construction Management & Construction Ecological Management Plan (March '24 WT V3), agreed via Approval of Details Application 24/0148/DIS granted by the Local Planning Authority on 28 March 2024.
- Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).
- C7 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 local planning authority) shall be carried out until 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 174 of the NPPF (2021) and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).
- C8 Materials:  
The development shall be carried in accordance with the External Finishes Schedule Rev A (Document reference: NL-2783-04-AC-1987), agreed via Approval of Details Application 24/1313/DIS granted by the Local Planning Authority on 11 November 2024.
- Reason: To ensure that the external appearance of the building and site in general is acceptable and preserves the character and appearance of the Rickmansworth Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), Policy BW DE1 of the Batchworth Neighbourhood Plan 2023-2038 and the Rickmansworth Conservation Area Appraisal and Character Assessment (adopted 1993).
- C9 Biodiversity Enhancements:  
The development shall be carried in accordance with drawing number NL-2783-05-AC-001 Rev C01, agreed via Approval of Details Application 24/1313/DIS granted by the Local Planning Authority on 11 November 2024.
- The approved measures shall thereafter be implemented in accordance with the approved details prior to the first occupation of the development hereby approved.
- Reason: To ensure biodiversity net gain and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and Policy BW GB1 of the Batchworth Neighbourhood Plan 2023-2038.
- C10 Energy Measures:  
The development shall be carried in accordance the Energy Statement (August 2024) prepared by Focus, agreed via Approval of Details Application 24/1313/DIS granted by the Local Planning Authority on 11 November 2024.

Reason: In order to ensure that the development will meet 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.

C11 Travel Plan Statement:

The approved Travel Plan Statement (February 2025), agreed via Approval of Details Application 25/0106/DIS granted by the Local Planning Authority on 3 April 2025, shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied.

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 July 2013) and Policy BW AM1 of the Batchworth Neighbourhood Plan 2023-2038.

C12 Archaeology Post Investigation Assessment:

The development shall be carried in accordance with the Archaeological Evaluation (November 2024).

The development shall not be occupied 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 (3) and the provision made for analysis and publication where appropriate.

Reason: In the interests of protecting any archaeological remains present within the development site. The significance of heritage assets with archaeological interest can be harmed/destroyed by development. This is in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C13 Parking Management Plan:

The allocation of the parking spaces to be provided on site for residents of the development and visitors to it (including the allocation of spaces for disabled persons and members of the development's electric car club), and the car park management and operation shall accord with the agreed Parking Management Plan dated May 2024 (as agreed by 24/0890/NMA granted by the Local Planning Authority on 1 July 2024) which shall be adhered to at all times throughout the lifetime of the development.

No dwelling shall be occupied until the access road, on-site car parking spaces and turning areas to be provided on the site have been laid out, demarcated, levelled, surfaced (and drainage measures installed) in accordance with approved plan reference PL500 Rev C and the agreed Parking Management Plan. Thereafter the access road, on-site car parking spaces and turning areas shall be permanently retained.

Reason: To ensure the on-site parking spaces are made exclusively available only for residents and visitors to the site to enable adequate supply of parking having regard to Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C14 External Cycle storage:

Prior to the first occupation of the development hereby permitted, the external Sheffield cycle stands as shown on drawing number PL500 Rev B shall be erected and permanently retained thereafter.

Reason: In order to ensure bicycle parking facilities are provided and encourage use of sustainable modes of travel in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011), Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and Policy BW AM1 of the Batchworth Neighbourhood Plan 2023-2038

C15 Hard and Soft Landscaping including maintenance:

Prior to the first occupation of the development hereby permitted, all hard landscaping works shall take place in accordance with drawing numbers MCS23387-11M and MCS23387-15D.

All planting, seeding or turfing comprised in drawing numbers MCS23387-11M and MCS23387-15D shall be carried out in the first planting and seeding seasons following the occupation of the development or the completion of the development, whichever is sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

The external areas of soft landscaping shall be managed in accordance with the Soft Landscaping Specification, dated March 2024.

Reason: This condition is required to ensure 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).

C16 Flood Warning Measures (Emergency Plan):

Prior to the first occupation of the development hereby permitted, an Emergency Plan based on the Draft Emergency Flood Response Plan V2 dated May prepared by SLR Consulting document shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall follow guidance set out within the Flood Risk emergency plans for new development and include:

- measures to ensure occupiers are aware of the likely frequency and duration of flood events; and
- safe access to and from the development

The plan shall be implemented in accordance with the approved details and maintained thereafter.

Reason: To ensure that the development would not be subject to unacceptable risk of flooding in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C17 Electric Car Club:

The Electric Car Club shall be implemented and managed in accordance with the details set out within the Travel Plan Statement (February 2025), as agreed via Approval of Details Application 25/0106/DIS granted by the Local Planning Authority on 3 April 2025

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 July 2013) and Policy BW AM1 of the Batchworth Neighbourhood Plan 2023-2038

C18 Obscure Privacy Screens:

The privacy screens shall be implemented and permanently retained in accordance with drawing numbers 508-01 P01 and 508-04 P01, agreed via Approval of Details Application 25/0106/DIS granted by the Local Planning Authority on 13 October 2025.

Reason: To protect neighbouring privacy levels 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).

**C19 AOV Obscure windows within the northern elevation:**

Prior to the first occupation of the development hereby permitted, the Automatic Opening Vents windows in northern elevation (closest to the northern boundary of the application site) above ground floor level, shall be fitted with purpose made obscured glazing with the level of obscurity at level 5, and, shall only be openable in the case of emergencies. The windows shall be permanently retained in that condition thereafter.

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

**C20 Staircase windows within northern elevation:**

The windows serving the stairwell within the northern elevation (closest to the northern boundary of the application site) above ground floor level, shall be fitted with purpose made obscured glazing and shall be top level opening at 1.7m above the floor level, or, fitted with a restrictor to ensure that no part of the windows below a height of 1.7m (measured from the internal floor level) can open outwards by more than 50mm past the external frame. The windows shall be maintained thereafter in accordance with the above details. In the case whereby a restrictor is removed or broken to enable emergency access, the restrictor shall be re-installed or a new one installed as necessary in accordance with the above details within 1 MONTH with this process maintained thereafter in perpetuity.

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

**C21 Use of Flat Roof**

The flat roof immediately adjacent to Flats labelled RL13R-SB and RL21 SB on the submitted plans at third floor level of the building hereby permitted shall only be accessed for maintenance purposes. The roof shall not at any time be used as a balcony or for amenity purposes.

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

**C22 External Lighting Details:**

The external lighting installed on the site and affixed to the building shall be undertaken in accordance with the details set out within the document titled "2783 – Rickmansworth\_External Project" and be installed before the first occupation of the development hereby permitted.

No other external lighting shall be installed on the site or affixed to the building on the site unless the Local Planning Authority has first approved in writing details of the

position, height, design and intensity. The submitted lighting details shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity, to preserve the character and appearance of the Rickmansworth Conservation Area, safeguard biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011), Policies DM3, DM6 and DM9 of the Development Management Policies LDD (adopted July 2013) and the Rickmansworth Conservation Area Appraisal and Character Assessment (adopted 1993).

**C23 Retention of existing signage:**

The existing signage above the access into the application site shall be retained (or if temporarily removed during the construction phase it shall be re-installed prior the first occupation of the development) and be permanently maintained thereafter following completion of the development.

Reason: To preserve the character and appearance of the Rickmansworth Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Rickmansworth Conservation Area Appraisal and Character Assessment (adopted 1993).

**C24 SuDS Infiltration of surface water into ground:**

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

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 Policy DM9 of the Development Management Policies LDD (adopted July 2013), Policy BW CC3 of the Batchworth Neighbourhood Plan 2023-2038 and the NPF (2024).

**C25 In accordance with drainage strategy:**

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy (carried out by SLR, ref: 425.05039.00023, rev: 05, dated: May 2022) and the response to the LLFA's Consultation dated: 11th January 2022, ref: 425.05039.00023, dated: 14.01.2022) and the following mitigation measures:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 1.0/s during the 1 in 100 year event plus 40% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event in lined geo-cellular crates, lined permeable paved area and a pond/wetland area.
3. Discharge of surface water from the site into the Town Ditch main river at a restricted rate of 1.0l/s

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM8 of the Development Management Policies LDD (adopted July 2013) and Policy BW CC3 of the Batchworth Neighbourhood Plan 2023-2038

**C26 Verification Report:**

The development hereby permitted shall not be occupied until a 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 photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and Control mechanism.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

**C27 Management and maintenance plan for the SuDS:**

Upon completion of the drainage works for each site in accordance with the timing/phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

1. Provision of complete set of built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved scheme.

Reason: To ensure the drainage strategy can be maintained throughout the lifetime of the development in accordance with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM8 of the Development Management Policies LDD (adopted July 2013) and Policy BW CC3 of the Batchworth Neighbourhood Plan 2023-2038.

## 7.2 **Informatives:**

- 11 With regard to implementing this permission, the applicant is advised as follows: All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. 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](mailto: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](http://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](mailto:cil@threerivers.gov.uk)). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start.

Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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

**(a)** Making a Non-Material Amendment

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

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

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

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at:

<https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

12 The 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>.

- 13 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.

- 14 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015

The 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.

- 15 Waste Comments

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.

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

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.

#### Water Comment

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/groundwaterprotectionposition-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. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

#### Water efficiency

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 in chalk stream catchments. 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.

#### Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or [w\\_developerservices@custhelp.com](mailto:w_developerservices@custhelp.com).

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk). Please note that charges may apply.

16 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.

17 Highway Authority:

Storage of materials:

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

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

Obstruction of public highway land:

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

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.

Road Deposits:

It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

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

Estate Road Adoption:

The applicant is advised that Hertfordshire County Council as Highway Authority no longer adopts new highway as maintainable at the public expense unless a wider public benefit can be demonstrated. The developer should put in place a permanent arrangement for long term maintenance, and at the entrance of any such residential estates, a road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website

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

Works within the highway (section 278):

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and

specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

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

Travel Plan (TP):

- i) A revised and approved Travel Plan at least 3 months before first occupation, consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate, and promote sustainable travel measures for owners, occupiers, and visitors to the Development in accordance with the provisions of the County Council's Travel Plan Guidance (March 2020) or any subsequent replacement guidance.
- ii) The Travel Plan is subject to an 'Evaluation and Support Contribution' totalling £6,000 (index linked by RPI from March 2014), payable before first occupation of the development. This contribution is to cover the County Council's costs of administrating and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review. The applicant's attention is drawn to Hertfordshire County Council's guidance on Travel Plans in this respect.
- iii) A Travel Plan Remedial Measures Notice clause within the Legal Agreement, enabling the County Council to serve notice in writing on the Owner via the Travel Plan Co-ordinator where the Owner has failed to meet one or more of the targets identified in the Travel Plan, and specifying the remedial measures and/or actions required to be taken by the Owner to remedy the failed implementation towards the agreed targets with a reasonable time provision.

#### 18 Environment Agency Advice:

We note that a Generic Quantitative Risk Assessment (GQRA) has been provided in the Phase II Geoenvironmental Assessment prepared by Delta Simons (Ref: 98854.599535, dated June 2024). The GQRA ruled out risks to groundwater quality as no groundwater strikes were encountered during the investigation works. However section 2.5.1 Ground Investigation Works of the report titled 'HCP Watford - Surface water drainage strategy' prepared by Evolve (Ref: 3681-EVE-00-XX-T-C-0130 dated June 2024) provides evidence for the existence of a licensed groundwater abstraction for spray irrigation located on-site, and data from nearby adjacent sites indicate that the permanent water table varies from a depth of approximately 5 – 12 m bgl in the vicinity of the site. As such, we are not comfortable that the hydrogeological situation beneath the proposed development site has been adequately assessed. Given the industrial usage of the site we feel that groundwater quality information from beneath the site will be required to inform the risk assessment and remediation strategy to enable the redevelopment of the site.

Due to vulnerability of the principal chalk aquifer, its limited natural protection to Groundwater, the site investigation would need to cover the entirety of the developing area, including all areas of the proposed buildings to be demolished, in order to satisfy (3).

The use of piled foundations and other types of intrusive groundworks have the potential to create new pollutant linkages, potentially resulting in the deterioration of groundwater quality beneath the site.

If piling techniques will be used during the construction of this development, information to address the above 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;

Deep-piled foundations that could penetrate into the sensitive chalk aquifers that underlie the site would significantly alter the risk profile with respect to groundwater quality for this development, and we strongly recommend exploring the feasibility of shallower foundations as much as possible.

#### Water Resources

Increased water efficiency in new developments potentially enables more growth to be realised without an increased availability of water resources. Developers can highlight responsible water use as a positive corporate social responsibility message that will boost the commercial appeal of the development. For the homeowner/tenant, lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures in all developments, particularly in those that are new. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be all considered as an integral part of new developments and/or refurbishments. The technology used to achieve improved water efficiency (e.g. efficient fittings, greywater recycling, etc) is also an attractive feature for many prospective building owners and tenants.

#### Commercial/Industrial developments

We recommend that all new non-residential developments of 1000sqm gross floor area or more (i.e. 'major' developments) should achieve the BREEAM 'excellent' standard for water consumption (category 'WAT 01'), or equivalent. This standard may already be a requirement of the local planning authority.

We also recommend you contact your local planning authority for more information.

#### 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](mailto:HNLsustainableplaces@environment-agency.gov.uk).

Further information on our charged planning advice service is available at:

<https://www.gov.uk/government/publications/planning-advice-environment-agencystandard-terms-and-conditions>.

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## Appendix 1: Comparisons and photographs

### Larger windows and change to stairwell windows to the northern elevation:

As approved:



Proposed:



**Plans updated to ensure consistency between floor plans and elevations plus safety railing added to eastern elevation**

As approved:



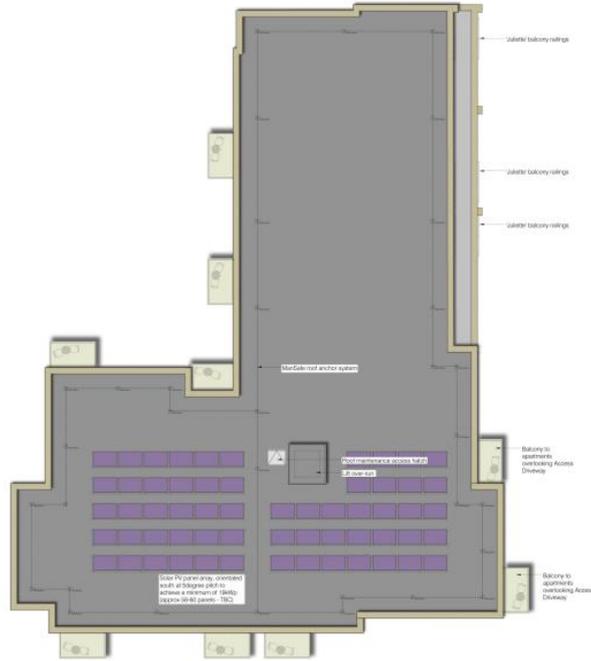
Proposed:



### Addition of roof hatches:

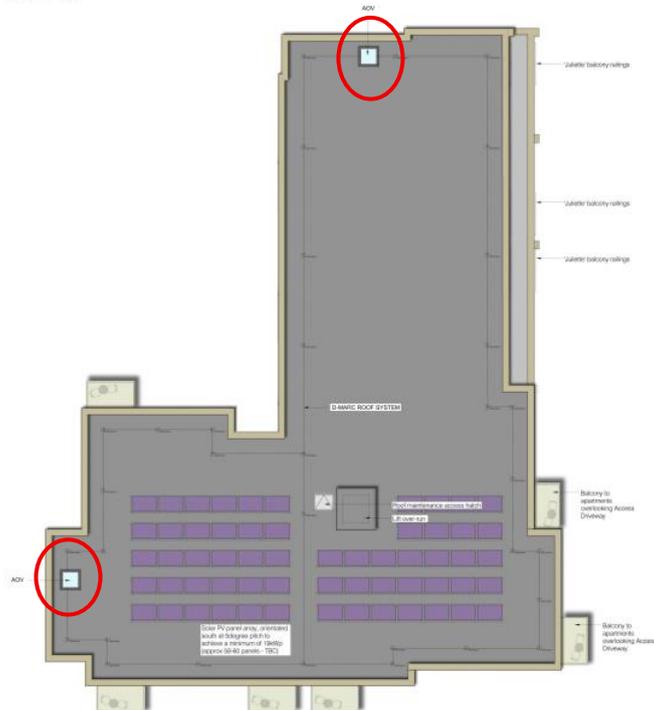
As approved:

ROOF PLAN:



Proposed:

ROOF PLAN:



**Omission of external stack balconies to western elevation and corner elevations:**

As approved:



**Proposed:**





Photographs:













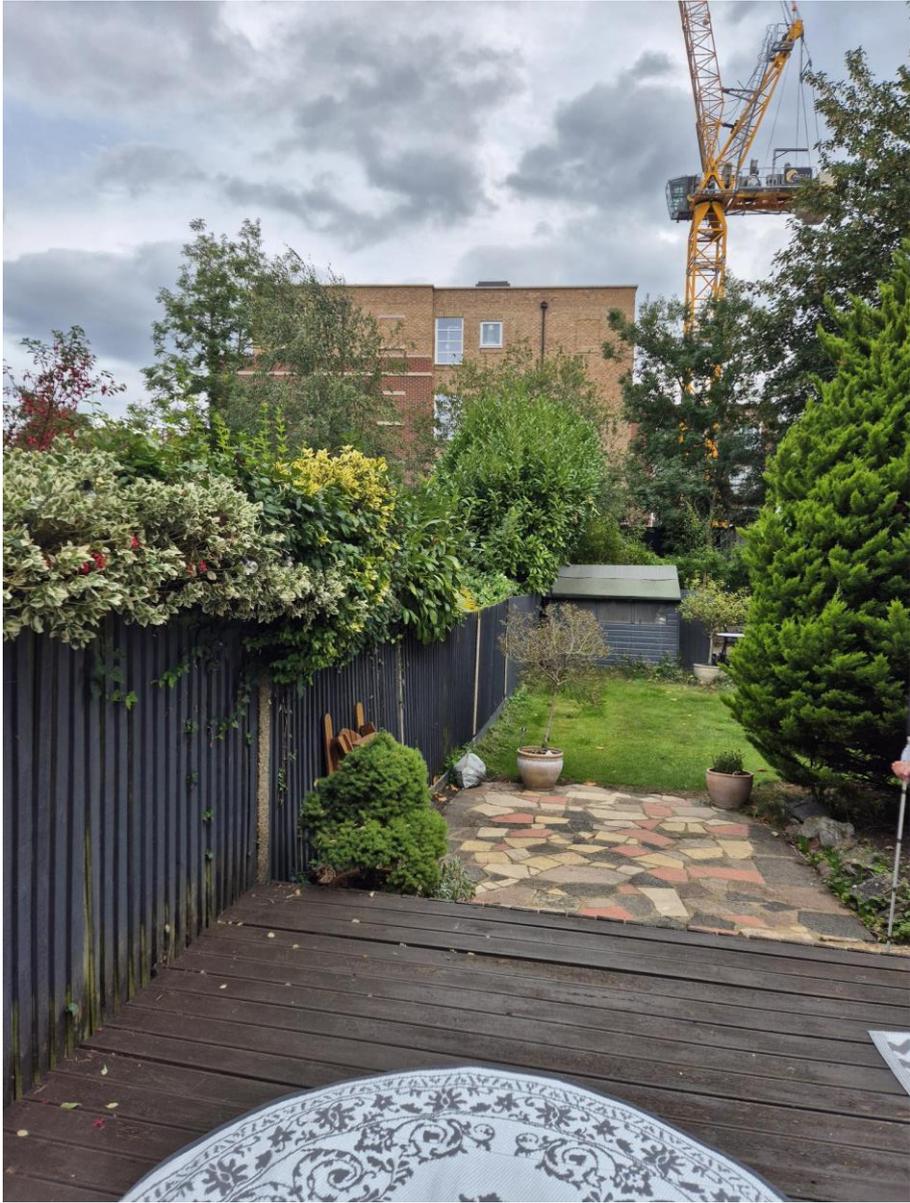
Above: AOV windows to northern elevation



Above: Restrictor to stairwell windows.

From Ebury Road:





## PLANNING COMMITTEE – 16 February 2026

### **25/1722/RSP – Part Retrospective: Construction of two outbuildings and alterations to rear land levels and landscaping works at 38 MOOR LANE, RICKMANSWORTH, HERTFORDSHIRE, WD3 1LG**

Parish: Batchworth Community Council.

Ward: Rickmansworth Town

Expiry of Statutory Period: 03.12.2025  
Extension of time agreed to 18.02.2026

Case Officer: Lauren Edwards

Recommendation: That Part Retrospective Planning Permission be approved subject to conditions.

Reason for consideration by the Committee: The application has been called in by the Parish Council as detailed at 4.1.2 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=T3QXZ9QFIC400>

#### **1 Relevant planning and enforcement history**

- 1.1 W/4865/73 - Garage - Permitted
- 1.2 24/1071/FUL - Construction of two storey rear extension, loft conversion including rear dormer and front/side rooflights, internal alterations, rear juliet balcony, addition of windows to side elevations – Permitted, currently under construction.
- 1.3 25/1495/CLPD - Certificate of Lawfulness Proposed Development: Construction of an outbuilding – Permitted
- 1.4 25/0095/COMP- Enforcement enquiry- pending consideration.

#### **2 Site description**

- 2.1 The application site is an irregular shaped plot and is located on the southern side of Moor Lane, Rickmansworth. Land levels slope steeply upwards from the highway towards the rear of the site. The application dwelling is a detached two storey dwelling and is currently implementing the extensions consented via 24/1071/FUL.
- 2.2 To the front of the site is a driveway with steps up onto a terraced front garden. To the rear is a patio which steps up to an area of lawn.
- 2.3 The neighbour at No.36 is a detached two storey dwelling and extends deeper than the application dwelling at the rear.
- 2.4 The neighbour at No.40 is a two storey detached dwelling finished in a cream painted render and extends deeper than the application dwelling at the rear.

#### **3 Description of proposed development and background**

- 3.1 This application seeks part retrospective planning permission for the construction of two outbuildings and alterations to rear land levels and landscaping works.

- 3.2 The previous condition of the rear garden was such that there were 4 main sections; a patio at the ground level adjacent to the house, 2 sections of sloping lawn and a flat section at the rearmost parcel.
- 3.3 The land levels in situ still comprise of 4 similar sections however each level is now flat. In order to accommodate the extension and new patio these sections have also moved rearwards. Retaining walls have been constructed with central steps to facilitate the level changes.
- 3.4 Two outbuildings have been constructed which are located on the third level from the dwelling. They are built against the retaining wall of the highest section.
- 3.5 Outbuilding A which is located to the western side has a width of 5.5m and a depth of 4.5m. This building has a flat roof with a height of 2.5m (level with the upper level) and has a green roof.
- 3.6 Outbuilding B is located to the eastern side and has a width of 6m and a depth of 4.5m. This outbuilding has a height of 3.5m (protruding 1m above the highest section of the garden).
- 3.7 Amended plans have been received to confirm the use of the outbuildings (Outbuilding A would be a store/shed and outbuilding B would be a games room). The fenestration serving outbuilding B has also been revised on the drawings to accurately reflect that in situ.

#### **4 Consultation**

##### **4.1 Statutory Consultation**

4.1.1 National Grid: [No response received]

4.1.2 Batchworth Parish Council: [Objection]

*BCC strongly objects to this application which was initially based on 25/1495/CLPD. However, what has been built is an unlawful development of this plan, which will almost certainly adversely affect the neighbouring properties and their amenity space.*

*There are also no details on the possible effect on drainage and water course.*

*BCC would like to call this application to committee unless officers are minded to refuse.*

Officer comment: The scheme subject to 25/1495/CLPD pertained solely to an outbuilding that was to be sited on the patio level immediately adjacent the rear elevation of the dwelling. It did not include the elements subject to this application. During the course of the investigation of an enforcement enquiry it was ascertained that the works that had been undertaken relating to the development subject to this application (land level changes and construction of two different outbuildings, unrelated to that subject of 25/1495/CLPD) were not considered to be permitted development and express planning permission was required. As a result this application was submitted which seeks to remedy the breach by obtaining retrospective planning permission. All material considerations including drainage and the impact on neighbouring amenity is considered below.

##### **4.2 Public/Neighbour Consultation**

4.2.1 Neighbours consulted: 2

4.2.2 Responses received: 0

4.2.3 Site Notice: Expired 11.11.2025.

4.2.4 Press Notice: Not required

## **5 Reason for Delay**

5.1 Committee cycle.

## **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 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM8, 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 the character and appearance of the host dwelling and the locality**

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness 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.
- 7.1.2 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.
- 7.1.3 Owing to the land level changes across the site from the highway, the garden and outbuildings are visible from some oblique views along Moor Lane. However all of the dwellings on this side of Moor Lane have sloping land levels and as such there have been a variety of physical interventions made including different levelling works and retaining walls/steps which are evident across the rear gardens of neighbouring properties. As such it is not considered that the land level alterations and retaining walls appear as unduly prominent or incongruous additions to the character of the locality.
- 7.1.4 The outbuildings in situ are not excessive in their overall scale such that they appear disproportionate to the application site. They are contemporary in their design with dark cladding and green roofs however this reflects and compliments the dark slate used for the retaining walls and overall it is not considered that they appear as unduly prominent additions to either the application site or wider streetscene.
- 7.1.5 In summary it is not considered that the proposed development would result in any adverse impact on the character or appearance of the host dwelling, streetscene or area and the development would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the DMP LDD and Policy CA2 of the Croxley Green Neighbourhood Plan.

### **7.2 Impact on amenity of neighbours**

- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.2.2 The resultant land levels are such that no point would be higher overall than the previous sections. It is noted that some views could be had from the upper levels towards neighbouring gardens however it is not considered that unacceptable overlooking would now occur in comparison with the pre-existing condition of the land and inherent views from the change in levels along this side of Moor Lane. Owing to the separation distances from

the rear of neighbouring properties, together with modest scale and siting, it is not considered that the outbuildings have resulted in an overbearing impact or loss of light to neighbouring amenity. Owing to the positioning of the outbuildings against the retaining wall and mature boundary vegetation it is not considered that outbuildings would result in unacceptable overlooking towards neighbouring properties.

7.2.3 In summary it is not considered that the development in situ results in any adverse impact on the residential amenity of any neighbouring dwelling so as to justify refusal of the application in this regard and the development would therefore be acceptable in this regard 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).

### 7.3 Highways & Parking

7.3.1 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.

7.3.2 The development does not impact the requirement for or the provision of parking.

### 7.4 Rear Garden Amenity Space

7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

7.4.2 The development has not increased the amount of bedrooms the dwelling has and ample useable garden is retained to serve a dwelling of this size.

### 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 nor are there protected trees on or near the site. As such it is not considered that the proposal has/or would have an unacceptable impact in this respect.

### 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.

### 7.9 Biodiversity Net Gain

7.9.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

7.9.2 In this case a biodiversity net gain plan would not be required owing to the retrospective and householder nature of the development.

## 7.7 Flooding and drainage

7.7.1 The application site is not located within an area at risk of flooding as identified by the Environment Agency (very low risk of surface water flooding and very low change of flooding from rivers and the sea). It is noted that there have been physical interventions to alter the land levels however areas of lawn have been retained and more flat sections of ground created in comparison to the pre-existing slope. Overall it is not considered that the development has or would result in any significant adverse increase in surface water flooding across the site.

## 8 Recommendation

8.1 That PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED subject to conditions:

C1 The development hereby permitted shall be carried out and maintained in accordance with the following approved plans: 2403-LA-01 REV A, 2403-LA-02 REV C, 2403-LA-03 REV C, 2403-LA-04 REV C, 2403-LA-07 REV A, 2403-PL-08 REV C, 23758-TOPO (Existing), 23758-TOPO (Proposed)

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM8, DM9, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Batchworth Neighbourhood Plan (2025).

C2 The outbuildings hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, or ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling or for commercial purposes at any time.

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

## 8.2 Informatives

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. 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](mailto: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](http://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.
- 15 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.

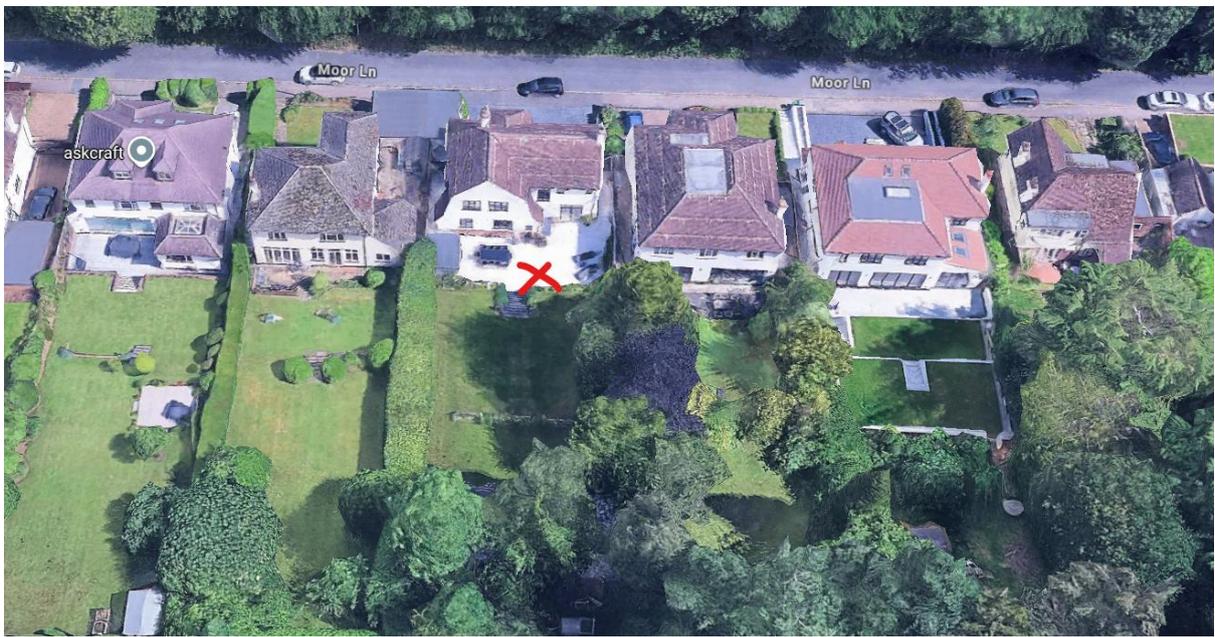
Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the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





# Agenda Item 8

## PLANNING COMMITTEE – Monday 16<sup>th</sup> February 2026

### **25/1754/ADV - Advertising Consent: Display of flags at THREE RIVERS HOUSE, NORTHWAY, RICKMANSWORTH, HERTFORDSHIRE, WD3 QRL**

Parish: Batchworth Community Council                      Ward: Rickmansworth Town  
Expiry of Statutory Period: 27.02.2026 (Agreed      Case Officer: Lilly Varnham  
Extension)

Recommendation: That ADVERTISEMENT CONSENT BE GRANTED subject to conditions.

Reason for consideration by the Committee: The applicant is Three Rivers District Council.

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

[25/1754/ADV | Advertising Consent: Display of flags | Three Rivers House Northway Rickmansworth Hertfordshire WD3 1RL](#)

## **1 Relevant planning history**

- 1.1 8/120/88: Erection of office building and ancillary car park. Permitted and implemented.
- 1.2 10/2174/FUL: Change of use of part of the ground floor of Three Rivers House to a police station with associated parking, including the erection of a small storage shed. Permitted and implemented.
- 1.3 12/1444/FUL: Change of use of part of ground floor from Council office space to use as part of Police Station either for office use or locker/amenity area and for storage; increase in parking from 12 spaces to 25 spaces. Permitted and implemented.
- 1.4 12/1981/FUL: Reallocation of parking spaces at Three Rivers House to provide 25 spaces in total (increase of 13) for the Police in order to provide sufficient parking for Intervention Team Officers. Erection of 2 metre high green paladin fencing to side of bays 20 and 21 (Rose Garden) and automatic barrier. Permitted and implemented.
- 1.5 15/1874/FUL: District Council Application: Installation of photovoltaic panels to roofslopes – Permitted and implemented.
- 1.6 22/2255/FUL: Installation of 7no. Air source heat pumps within timber enclosure in south western corner of top floor of car park – Permitted and Implemented.
- 1.7 25/1595/PDNE - Permitted Development Notice: Installation of solar panels – Permitted. Not Implemented.

## **2 Site description**

- 2.1 Three Rivers House is the principal office of Three Rivers District Council, additionally, following the grant of planning permission 10/2174/FUL a large section of the East Wing of the building has been occupied by the Police since February 2011 following the closure of Rickmansworth Police Station. The application relates only to the two areas of the building where there are existing and well-established flagpoles. The site is located within the Rickmansworth Town Centre Conservation Area.
- 2.2 The building is three storeys but when viewed from the north it has a two-storey appearance due to the change in levels on Northway rising up to the north from the south. There is a double decked car park to the east of the office building with a public right of way crossing it in an east to west direction between the Cloisters to the east and Northway to the west.

- 2.3 To the south of the building is Basing House, a two storey Grade II Listed Building, and Rickmansworth Library, a single storey flat roofed building. Beyond the library is the High Street which is mainly occupied by commercial premises.

### 3 Description of proposed development

- 3.1 This application seeks advertisement consent to allow for the flying of various flags at Three Rivers House which do not benefit from deemed consent under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and therefore require advertisement consent.
- 3.2 The list of flags proposed have been included with this application and include the following: 1978 Pride Flag (Rainbow), Armed Forces, Commonwealth, Emergency Services, Ensign, Holocaust Memorial Day, Intersex-Inclusive Progress Pride Flag, NHS, Pride, Progress Pride Flag, St George, TRDC, Ukraine, Union / Union Jack and White Ribbon Flag.
- 3.3 Some of the flags in the above list do not require consent, these include the Armed Forces Day flag, flag of the Commonwealth, the Union/Union Jack Flag and St George Flag as these fall under Schedule 1 Class H of the Regulations but have been included within the list for completeness.
- 3.4 The flags will be flown on two existing flag poles at Three Rivers House, one of which faces west towards Northway and the other north towards Three Rivers Rose Garden Car Park. It is understood that the dimensions of the flags are 1.52m x 0.91m with the exception of the Union/Union Jack flag which has a maximum size 1.6m x 1m. The height from the ground to the base of the advertisement is 6m and the maximum projection of the advertisement from the face of the building is 1m.
- 3.5 The flags are not illuminated and are a knitted or woven polyester.

### 4 Consultee responses

- 4.1 National Grid – [No response received]
- 4.2 Batchworth Community Council - BCC notices that the Union Flag is not included in the illustrated list and wishes for it to be added for inclusion.
- 4.3 Conservation Officer – [No Objection]

Three Rivers House is in the Rickmansworth Conservation Area and is not a nationally or locally listed building. The proposed flag location faces towards the Grade II listed War Memorial Statue (List Entry Number: 1348251). It is also close to the Grade II listed Basing House (List Entry Number: 1100850).

The proposed flagpole and flags are appropriate for this location; they would not impact the setting of the designated heritage assets described above.

On this basis, there is no heritage objection to the proposal.

This response has been made with regard to Sections 72 (1) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework Chapter 16 'Conserving and Enhancing the Historic Environment'.

- 4.4 **Officer Comment:** Comments from the parish are noted. The list of flags has been updated to include the Union Flag.

### 5 Neighbour consultation

- 5.1 Site Notice Posted: 11.07.2025, Expired: 01.08.2025
- 5.2 Press Notice Published: 11.07.2025, Expired: 01.08.2025
- 5.3 No. consulted: 0 No. of responses: 1 [1 Objection Received]

## 5.4 Summary of responses:

- Support display of official, unifying civic flags only: The Union Flag, the St George's Cross, and appropriate County/Town or civic ceremonial flags.
- Broad consent would allow non-official, campaign, pressure-group or politically associated flags/ When a flag is flown it will be widely interpreted as an official Council endorsement, undermining confidence in the Councils neutrality and risking division in the community.
- Approval would set an unhelpful precedent. Once wide permissions exists, refusing future requests becomes contentious and invites disputes about which causes qualify, drawing the Council into political or international controversies outside its proper civic role.
- From an amenity perspective, a changing range of flags can create visual clutter and harm the appearance of a prominent public building and the streetscene.
- There are also safety and security risks: contentious displays can attract protests, counter-protests or vandalism, increasing risk to staff and visitors and creating avoidable expense.
- A wider flag programme brings ongoing cost for purchase, replacement, storage and maintenance, plus staff time to manage requests and complaints, and the costs of the consent process itself.
- Application should be refused. Or approved only with strict conditions limiting flags to official national and local civic/ceremonial flags, with clear limits on number, size, siting and duration, backed by a published policy protecting political neutrality and community cohesion.

Officer Comment: Comments from the neighbour are noted. The only flags proposed are those listed within the submission.

## 6 Relevant Local and National Planning Policies

### 6.1 Legislation

Outdoor advertisements are within the scope of the control regime specified by the Secretary of State in the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

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 Policy/Guidance

National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 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 retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

### The Three Rivers Local Development Plan

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

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

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

### Batchworth Neighbourhood Plan 2023-2038 (Referendum Version, November 2025)

## 6.3 Other

Rickmansworth Conservation Area Appraisal (1993).

## 7 **Analysis**

### 7.1 Advert Regulations

7.1.1 Outdoor advertisements are within the scope of the control regime specified by the Secretary of State in the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

7.1.2 This regime enables local planning authorities to control advertisements, when it is justified, in the interests of "amenity" and "public safety".

7.1.3 Amenity is not defined in the regulations, although it includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality and the presence of any feature of historic, architectural, cultural or similar interest.

7.1.4 Paragraph 141 of the National Planning Policy Framework advises that the quality and character of places can suffer when advertisements are poorly sited and designed. It also advises that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts

### 7.2 Amenity

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. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.

7.2.2 Officers note that the flying of flags already takes place at Three Rivers House, and this application seeks advertisement consent for a wider range of flags which are not granted deemed consent from the regulations.

7.2.3 The flags will be flown from the existing flagpoles, which are considered ancillary to the display of the flags under Section 222 of the Town and Country Planning Act. Section 222 provides that planning permission is deemed to be granted for any development of land involved in the display of advertisements in accordance with the relevant regulations.

7.2.4 Consent under Section 222 does not extend to the erection of any structure unless its primary purpose is to display advertisements. In the instance, the primary purpose of the existing flag poles

is the flying of flags. Accordingly, should advertisement consent be granted for the flags, the flagpoles themselves would be considered ancillary structures associated with the approved display.

7.2.5 The flags themselves would project minimally from the face of the host building and are non-illuminated. The flags are a standard size with the exception of the Union/Union Jack flag which is slightly larger. As such, they are not considered to be visually prominent or a contrived feature within the streetscene or wider area. In addition, whilst flags are not a common feature of the streetscene, it is not considered to be uncommon for a civic building to fly flags of a similar nature. The proposal would not detract from the architectural character of the host building, and by virtue of its limited scale and discreet appearance would preserve the character and appearance of the Rickmansworth Town Centre Conservation Area.

7.3 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.

7.3.1 The flying of the flags in these locations would not give rise to any unacceptable impact on residential amenity. The flags are modest in scale, non-illuminated, and would be flown from the existing poles which remain separated from any neighbouring built form. The flags would not result in overlooking, loss of privacy or any material change in outlook for nearby residents. Given their limited projection and lightweight nature, the flags would not result in any loss of daylight nor are they considered to result in a sense of enclosure or adversely affect the use or enjoyment of nearby private amenity space. As such, the proposed is considered acceptable and is not considered to result in any harm to amenity. Given that the flags would be limited in number (one to each existing pole) at any given time, it is not considered that they would result in undue visual clutter when read in their immediate context.

The proposed flag location(s) face towards the Grade II listed War Memorial Statue (List Entry Number: 1348251) and are near to the Grade II listed Basing House (List Entry Number: 1100850). The Conservation Officer was consulted on the application and advised that the proposed flagpole and flags are appropriate for this location; owing to the separation of the flag poles / flags from the above designated heritage assets it is not considered that they would have any impact on their setting. Thus, there is no heritage objection to the proposal.

7.3.2 Overall, it is considered that the flags would be an appropriate development within its setting and would not result in harm to amenity, either the character and amenity of the area or residential amenities of neighbouring occupiers. The development would be acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011).

#### 7.4 Public Safety

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

7.4.2 The proposed flags would be flown from the existing flag poles which are set well above the level of the public footway and carriageway. As such, the flying of flags would not result in any obstruction to pedestrian movement or vehicular visibility, nor would it impede access along the existing adjacent highways. The flags are not considered to interfere with driver sight lines or create any distraction or hazard to highway users. Given their elevated siting, modest projection, and lightweight nature, the proposal is not considered to result in any demonstrable harm to public safety in accordance with the Town and Country Planning (Control of Advertisement) Regulations 2007 (as amended) and CP10 of the Core Strategy (Adopted October 2011).

#### 7.5 Consent:

7.5.1 Part 3, Section 15(b) of the Regulations sets out that any consent granted shall expire where no period is so specified, at the end of a period of 5 years. It should be noted that following the expiration of the 5 year period, deemed consent is granted by Schedule 3, Class 14 of the Regulations, unless it would contravene a condition subject to which express consent was granted or an application for renewal of consent has been refused. The conditions relating to Class 14 state that the terms of the express consent, including any conditions to which it was subject, shall be treated as applying to the continued display.

## 8 Recommendation

8.1 That ADVERTISEMENT CONSENT BE GRANTED subject to the following conditions:

C1 Standard advertisement conditions:

1] No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

2] No advertisement shall be sited or displayed so as to;

(a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3] Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

4] Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

5] Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity

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

C2 The flags hereby permitted to be displayed at the application site(s) shall only include those listed at TRDC01 (Amended List of Flags) and shall not exceed a size of 1.6m in length by 1m in width.

Reason: For the avoidance of doubt, in the proper interests of planning in accordance with the requirements of the Town and Country Planning (Control of Advertisement) Regulations 2007 (as amended), Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM3, DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

## 8.2 Informative

I1 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.

**25/1754/ADV – Three Rivers House – Site Photographs**







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## PLANNING COMMITTEE – Monday 16<sup>th</sup> February 2026

### **25/1987/FUL - Construction of part-single, part-two storey side and rear extensions and single storey side extension at 18 GREENWAYS, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0EU**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 27.02.2026 (Agreed Extension)

Ward: Abbots Langley and Bedmond  
Case Officer: Lilly Varnham

Development Type: Householder

Recommendation: That PLANNING PERMISSION BE GRANTED subject to conditions.

Reason for consideration by the Committee: The agent for this application is a Three Rivers District Council Ward Councillor.

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

[25/1987/FUL | Construction of part-single, part-two storey side and rear extension and single storey side extension | 18 Greenways Abbots Langley Hertfordshire WD5 0EU](#)

## **1 Relevant Planning and Enforcement History**

1.1 8/600/83 - Room Over Garage.

## **2 Description of Application Site**

2.1 The application site contains a two-storey semi-detached dwelling located on Greenways, Abbots Langley. The dwelling has a dark tiled pitched roof with a two-storey front gable projection. There is a catslide roof to the side of the dwelling which is built up to the shared boundary with the adjoining neighbour at No. 20 Greenways. The dwelling has been previously extended with a dormer window that sits within the existing catslide. To the rear of the dwelling is also a single storey flat roofed rear projection, it is unclear whether this projection is original or an extension.

2.2 To the front of the dwelling is an existing gravelled driveway, with off street parking provision for up to three vehicles. To the rear of the dwelling is an amenity garden predominantly laid as lawn. To the rear boundary of the site there is a group of protected trees G3, which consists of 2 Ash, 2 Hawthorn and 1 Maple Tree. The group is protected by TPO129 and sits on the boundary with No. 20.

2.3 The wider context of Greenways consists of a mix of detached and semi-detached dwellings of varying architectural styles and designs, many of which appear to have been extended or altered.

## **3 Description of Proposed Development**

3.1 This application seeks planning permission for the construction of part single, part two storey side and rear extensions and single storey side extension.

3.2 The proposed single storey side extension would be set back from the main front building line of the host dwelling and extend in line with the existing rear building line. It would project beyond the side wall by approximately 3m and have a depth of approximately 10.9m. The roof form would be part flat and part hipped. The ridge of the hipped roof would sit at a total height of approximately 4m with the flat roof section to the rear having a total height of approximately 3m. The extension would be finished in render to match the existing, the

hipped roof would be tiled and the flat roof section would have a UPVC fascia and soffit board. Fenestration is proposed within the front side and rear of the side extension.

- 3.3 The proposed rear extension would extend in line with the flank walls of the existing rear projection for a total depth of approximately 3m and a width of approximately 8m. The rear projection would have a flat roof with a ridge height of 3m. As above, the extension would be finished in render with a UPVC fascia and soffit board around the flat roof. Fenestrations are proposed within the side and rear elevation of the rear extension.
- 3.4 A single storey infill is also proposed to the side of the existing rear projection which would be minimally set in from the shared boundary with No. 20. This extension would have a depth of approximately 2.8m and would infill the space adjacent to the existing rear projection. This addition would have a flat roof with a ridge height of 3m. As above, the extension would be finished in render with a UPVC fascia and soffit board around the flat roof. A new door is proposed within the rear elevation of this addition.
- 3.5 To the rear/side of the dwelling at the first-floor level the existing cat slide roof would be built out, extending from the existing dormer window. This would be built up to the shared boundary with No. 20 and would have a total depth of approximately 2.6m. The dormer would sit on top of the flat roof of the proposed single storey side infill extension but would remain set at the same total height as the existing dormer. A new window is proposed within the rear of the extended dormer; from the front façade the dormer and cat slide roof remain unchanged. It is noted that this proposed extension to some degree mirrors that of the adjoining neighbour at No. 20. The extended dormer will be finished in tile hanging to match the existing.
- 3.6 At the time of the officer site visit works appeared to have commenced on site in relation to drainage matters. The applicant advised that no further works would be taken place in relation to the proposed development until permission were to be granted except for those works that relate to the drainage matters. On the basis of the works carried out to date, it is not considered that the application needs to be made part retrospective, particularly given that works in relation to the current proposal have ceased until such time that consent is obtained.

## **4 Consultation**

### **4.1 Statutory Consultation**

- 4.1.1 National Grid – [No response received]
- 4.1.2 Abbots Langley Parish Council – No comment.

### **4.2 Public/Neighbour Consultation**

- 4.2.1 Number consulted: 5                      No of responses received: 0
- 4.2.2 Site Notice / Press Notice: [Not required]
- 4.2.3 Summary of Responses: [No response received]

## **5 Reason for Delay**

- 5.1 Committee cycle, Extension of Time agreed.

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 Legislation**

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

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

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

The Environment Act 2021.

## **6.2 Planning Policy and Guidance**

### National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 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 retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

### The Three Rivers Local Development Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM13, Appendix 2 and Appendix 5.

### Other

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

## **7 Planning Analysis**

### 7.1 Design and Impact on the Street Scene

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should ‘have regard to the local context and conserve or enhance the character, amenities and quality of an area’ and ‘conserve and enhance natural and heritage assets’.

- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.1.3 As set out in Appendix 2, new development should not be excessively prominent in relation to adjacent properties or general street scene and should not result in a loss of light to the windows of neighbouring properties nor allow for overlooking. The design criteria at Appendix 2 sets out that generally, the maximum depth should be 3.6m in the case of semi-detached dwellings. This distance may be reduced if the extension would adversely affect adjoining properties or is unduly prominent. Single storey side extension proximity to the flank boundary will be individually assessed.
- 7.1.4 The Design Criteria sets out that side extensions should maintain an appropriate spacing between properties in character with the locality and in order to prevent the creation of a terracing effect. With regards to first floor extensions (i.e. over a garage or previous ground floor extension), Appendix 2 advises that these should generally be a minimum of 1.2 metres from the flank boundary to provide appropriate spacing and prevent a terracing effect.
- 7.1.5 The proposed single storey side extension would be visible from the site frontage; however, it is considered that views are likely to be somewhat passing and limited owing to existing front boundary treatments at the application site. The extension would remain set back from the main front building line of the host dwelling and would not extend beyond the existing rear building line. It would also remain set off the boundary with the neighbour at No. 16 Greenways. The roof form comprises a part hipped, part flat roof; the flat roof section would not be readily visible from the streetscene given its siting towards the rear of the dwelling and the extension remains single storey in nature. Thus, it is considered that the proposed extension would remain subservient to the host dwelling and would not unduly increase its prominence within the streetscene. The extension would be finished in render and roof tiles to match the existing dwelling which would further retain its character within the street.
- 7.1.6 With regard to the single storey rear extension, this would remain within the confines of the existing width of the host dwelling, extending from the flank walls of the existing rear projection which planning records indicate forms part of the dwelling's original layout. The proposed extension therefore has a total depth of approximately 3m, in accordance with the design criteria set out in Appendix 2. The extension remains considerably set in from both flank boundaries, and its scale and overall form ensure that it reads as a subordinate addition to the host dwelling. Given the existing site circumstances and the pattern of neighbouring development, this addition is not considered to result in demonstrable harm to the character or appearance of the host dwelling or wider streetscene. As above, the materials are proposed to match the existing which would further retain its character.
- 7.1.7 The single storey rear/side infill extension would occupy the area currently adjacent to the existing rear projection and the boundary with the adjoining neighbour. The extension remains single storey in height and incorporates a flat roof consistent with that of the proposed rear extension assessed above. Owing to its overall limited scale, infill nature and discreet siting, the extension is considered to appear as a subordinate addition to the host dwelling. As such, it is not considered to result in demonstrable harm to the character or appearance of the host dwelling or streetscene.
- 7.1.8 The proposed first floor side/rear extension would result in the enlargement of the existing dormer within the catslide roof that adjoins the host dwelling to its neighbour at No. 20. When viewed from the front façade, the cat slide roof and dormer arrangement would remain unchanged, with no alteration to the roof angle, the dormers position on the front roofslope or its total height. The extension would therefore only be visible to the rear, where

it would project from the existing dormer. This rearward enlargement would reflect the form and design of the adjoining neighbour's dormer, resulting in a comparable scale and appearance. The proposal would remove the rear catslide roof, with the dormer instead positioned above the proposed single storey infill extension. While this increases the massing to the rear particularly at first floor level and would be built up to the boundary, contrary to the guidance within Appendix 2, it is acknowledged that the existing development is built up to the boundary at both the application site and at the adjoining neighbour. As such whilst this would not strictly accord with the spacing requirements, when viewed in the context of the existing built form and the neighbouring properties existing dormer, it is not considered that the proposal would result in an unduly prominent form of development nor would it result in demonstrable harm to the character or appearance of the host dwelling or streetscene such to justify a refusal in this regard. The use of matching materials would further ensure the character and appearance of the dwelling are retained.

7.1.9 In summary, the proposed development would not result in any adverse harm to the character or appearance of the host dwelling, streetscene or area. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).

## 7.2 Impact on amenity of neighbours

7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.

7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

7.2.3 The neighbour to the east of the application site is No. 16 Greenways, this neighbour has implemented consent for the demolition of the existing dwelling and its replacement with a two-storey detached dwelling via LPA ref 14/0221/FUL which is now what is in situ at the neighbouring site. The proposed side extension would remain set off the shared boundary with No. 16 by approximately 0.6m. The side extension would not project beyond this neighbours current rear building line and the rear section incorporates a flat roof which sits at a lower height relative to the hipped section. Owing to its single storey nature, limited height and the spacing maintained to the boundary it is not considered that this addition would result in an overbearing form of development or harmful loss of light to the occupiers of this neighbouring dwelling.

7.2.4 With regards to the single storey rear extension, this would remain set in from the shared boundary with No. 16 by approximately 2m. The depth is considered to comply with the design criteria above, and whilst this would result in a projection beyond the neighbours rear building line, owing to its modest height, flat roof form and separation to the boundary is not considered to give rise to an overbearing impact or harmful loss of light to the occupiers of this neighbouring dwelling.

7.2.5 With respect to the adjoining neighbour, the proposed single storey side/rear infill extension would sit only marginally off the shared boundary. However, it would not project beyond the host dwellings existing rear building line, nor would it extend beyond the neighbours current rear building line. Given its flat roofed form, and limited scale and height, this element is not considered to result in any material harm to the neighbouring amenity of the adjoining occupiers.

7.2.6 The proposed single storey rear extension would remain set off the shared boundary with the adjoining neighbour at No. 20 by approximately 1.5m and would project approximately 1m beyond this neighbours current single storey rear projection. Owing to the degree of

separation retained and the single storey flat roof nature of this element it is not considered to give rise to an overbearing form of development or unacceptable loss of light.

- 7.2.7 The proposed enlargement to the existing dormer would not increase its overall height or alter its roof form from the front façade. To the rear the enlargement would replace the existing catslide roof and sit above the flat roof of the proposed infill extension and set in a manner consistent with the neighbouring dormer. Given its scale, siting and alignment with the adjoining neighbouring property, the enlarged dormer is not considered to result in a significant increase in massing or overshadowing, nor is it considered to give rise to an unacceptable sense of enclosure. As such, when read in the existing site context and neighbouring development, the dormer is not considered to result in demonstrable harm to the residential amenities of the occupiers of this neighbouring dwelling.
- 7.2.8 The fenestration within the front and rear elevations of the single storey extensions would predominantly have outlook of the application site frontage and rear amenity space and as such are not considered to facilitate additional overlooking of any neighbour. It is acknowledged that the single storey rear extension has flank windows which face the boundaries with both No. 16 and No. 20. However, owing to their siting at the ground floor level and the separation retained to the boundaries it is not considered that these windows would result in unacceptable overlooking of these neighbours such to justify a refusal in this regard. Whilst the enlarged dormer would include a new first floor rear window this would predominantly overlook the application sites rear amenity space, with only oblique views towards the neighbour which would not be dissimilar to those achievable from existing first floor rear windows. Accordingly, the proposals are not considered to result in unacceptable harm to neighbouring amenity.
- 7.2.9 In summary, the proposed development would not result in any adverse impact on any neighbouring dwelling, and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD.

### 7.3 Wildlife and Biodiversity

- 7.3.1 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.
- 7.3.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.
- 7.3.3 The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

### 7.4 Mandatory Biodiversity Net Gain

- 7.4.1 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).

7.4.2 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.

#### 7.5 Trees and Landscaping

7.5.1 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.

7.5.2 The application site is not located within a Conservation Area, there is however a group of protected trees to the rear of the site, G3, protected by TPO129. Given the distance maintained from the proposed works and these protected trees it is not considered that these would be affected by the proposed development. The proposal is therefore considered acceptable in this regard.

#### 7.6 Rear amenity

7.6.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.

7.6.2 The application dwelling has four bedrooms as existing requiring 105sqm of rear amenity space. The proposal would not increase the number of bedrooms within the dwelling and therefore this requirement would remain unchanged. The application site would retain approximately 178sqm of rear amenity space exceeding the criteria at Appendix 2 of the DMP LDD. The proposal is therefore considered acceptable in this regard.

#### 7.7 Highways, Access and Parking

7.7.1 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.

7.7.2 The existing dwelling has four bedrooms and therefore requires 3 assigned spaces within the dwelling's curtilage. The proposal would not increase the number of bedrooms within the dwelling, and the existing requirement would remain unchanged. The application site has an existing gravelled driveway with off street parking provision for three vehicles and therefore meets the requirement at Appendix 5. The proposal is therefore considered acceptable in this regard.

### **8 Recommendation**

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

C1 The development hereby permitted shall be begun before the expiration of three years from

the date of this permission.

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

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 2510-SK-100 REV B, 2510-SK-101 REV B

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013).

- C3 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 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## 8.2 Informatives

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. 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](mailto: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](http://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](mailto: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 development maintains/improves the economic, social and environmental conditions of the District.

14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

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

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

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

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

Development 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>.

- 15t Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

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

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk)

or an appropriately qualified and experienced ecologist.

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

**25/1987/FUL – 18 Greenways – Site Photographs**









## PLANNING COMMITTEE – Monday 16 February 2026

### **25/2091/RSP – Retrospective: Construction of single storey rear extension at 39 - 41 HIGH STREET, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0AA**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 28.01.2026

Ward: Abbots Langley and Bedmond  
Case Officer: Nicholas Withers

#### **Development Type: 'Minor other' development**

Recommendation: That retrospective planning permission be **granted**.

Reason for consideration by the Committee: The acting agent on the application is an elected Ward Councillor (Cllr Jon Tankard).

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

[25/2091/RSP | Retrospective: Construction of single storey rear extension | 39 - 41 High Street Abbots Langley Hertfordshire WD5 0AA](#)

## **1 Relevant Planning and Enforcement History**

- 1.1 No relevant planning history.
- 1.2 21/0213/COMP - Erection of signage – Pending Consideration.
- 1.3 25/0143/COMP - Change of use and unauthorised extension of kitchen – Pending Consideration (subject of this application).

## **2 Description of Application Site**

- 2.1 The application site consists of a two storey end terrace building located on the eastern side of High Street, Abbots Langley. The site is classified as being located within a Secondary Shopping Frontage area of Abbots Langley town centre and is located within the Abbots Langley Conservation Area. The High Street mostly consists of commercial units at ground floor with residential use above.
- 2.2 The building is currently used as an Indian restaurant/takeaway (Class A3/A5) with the first floor level being used for storage and ancillary accommodation with a study/office. To the rear of the application site is a service road which provides access to the host building, other commercial units and residential dwellings located along The Crescent. No.1 The Crescent, a detached dwelling set back from the road immediately adjoins the application site to the east. This property has a car port up to the boundary with the application site.
- 2.3 To the north of the application site is a car park for an adjacent vacant restaurant. To the south and attached to the application is No. 43, a Chinese restaurant/takeaway.
- 2.4 There are restricted parking bays along High Street and there is also a public car park further to the south, close to the junction with Abbots Road

## **3 Description of Proposed Development**

- 3.1 This application is for retrospective planning permission for the construction of a single storey rear extension.



publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

### The Three Rivers Local Development Plan

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

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

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

## **6 Planning Analysis**

### **6.1 Design and Impact on the character of the area and Conservation Area.**

6.2 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'.

6.3 The application site is located in the Abbots Langley Conservation Area; as such Policy DM3 of the Development Management Policies LDD (adopted July 2013) applies. With regard to development in Conservation Areas, Policy DM3 states that development will only be permitted if the proposal is of a design and scale that preserves or enhances the character and appearance of the area.

6.4 The extension is located to the rear of the property, viewed in conjunction with other additions and is only 3.6m in depth and is single storey in height. The extension is therefore considered a small form of development which by virtue of its scale and materiality preserves the character and appearance of the building and does not impact upon the wider character of the area, including the Abbots Langley Conservation Area.

6.5 In summary, the development does not result in any adverse harm to the character or appearance of the building, streetscene or Abbots Langley Conservation Area. The development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM3 and Appendix 2 of the Development Management Policies LDD and the NPPF.

### **6.6 Impact on Neighbouring Amenity**

6.7 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'.

- 6.8 Policy DM9 of the Development Management Policies document also states that planning permission will not be granted for development which has an unacceptable impact on the indoor and outdoor acoustic environment of existing or planned development.
- 6.9 The extension is located to the rear of the building at ground floor level and is adjacent to a neighbouring car port of similar scale. Given its siting and single-storey nature of the extension, it is not considered that the development results in an un-neighbourly or loss of light to neighbouring properties.
- 6.10 In terms of noise associated with the extension, it is used for storage purposes ancillary to the restaurant. Given the limited floorspace and relationship with No.1 The Crescent and nearby flats it is not considered its use has an unacceptable impact on neighbouring amenity. Furthermore, as there are no windows or openings on the eastern elevation, there would be no loss of privacy or overlooking to No.1 The Crescent. The Environmental Health Officer was also consulted on the application and has raised no objections.
- 6.11 In summary, the development does not result in any adverse impact on any neighbouring dwelling and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM9 and Appendix 2 of the Development Management Policies LDD.
- 6.12 Highways and parking provision
- 6.13 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.
- 6.14 The development does not alter the requirement for any additional parking to support the nature of the business or nor does it decrease the availability of parking. As such, no objection is raised in this regard.
- 6.15 Trees and Landscaping
- 6.16 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.
- 6.17 The application site is located within a conservation area however there are no protected trees on or near the site that have been or are affected by the development. Therefore, no objection is raised in this regard.
- 6.18 Wildlife and Biodiversity
- 6.19 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.
- 6.20 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. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests have been affected as a result of the development.

6.21 Mandatory Biodiversity Net Gain

6.22 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).

6.23 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 development which is subject to the de minimis exemption.

**7 Recommendation**

7.1 That RETROSPECTIVE PLANNING PERMISSION BE GRANTED unconditionally.

**Informatives:**

11 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.

12 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

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

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

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

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

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

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the

development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

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

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

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

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









## PLANNING COMMITTEE – Monday 16 February 2026

### **25/2102/FUL - Erection of a timber pergola at CROXLEY GUILD BOWLS CLUB, THE GREEN, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3HT**

Parish: Croxley Green Parish Council

Ward: Dickinsons

Expiry of Statutory Period: 27.02.2026 (Agreed Extension)

Case Officer: Lilly Varnham

Recommendation: That PLANNING PERMISSION BE GRANTED subject to the conditions set out below.

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

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

[25/2102/FUL | Erection of a timber pergola. | Croxley Guild Bowls Club The Green Croxley Green Rickmansworth Hertfordshire WD3 3HT](#)

#### **1 Relevant planning history**

- 1.1 8/547/91 - Multi use sports surface court for recreational use.
- 1.2 8/417/91 - Single storey extension to existing changing rooms – Permitted 29.08.1991.
- 1.3 8/513/91 - Resurfacing and installation of 1 tennis court, re-siting of pavilion and installation of floodlights – Permitted 17.10.1991.
- 1.4 8/658/91 - Erection of new pavilion – Withdrawn 20.01.1992.
- 1.5 8/176/92 - Erection of building for use as changing rooms – Permitted 21.05.1992.
- 1.6 8/311/92 - Refurbishment of pavillion (S.64 Determination) – Non-Determination 16.06.1992.
- 1.7 94/758/8 - Demolition of existing changing room and erection of replacement at Bowling Green – Permitted 15.12.1994.
- 1.8 98/0323 - Demolition of clubhouse – Conservation Area Consent 26.06.1998.
- 1.9 97/0969 - Erection of replacement club house – Conditional Permission 06.08.1998.
- 1.10 99/0082 - Erection of 22.5 metre high mast three cross polar antennas two dish antennas and one radio equipment housing – Refused 05.09.1999.
- 1.11 01/00155/FUL - Single storey rear extension, internal alterations to existing clubhouse and erection of new sports changing facility – Permitted 13.09.2001.
- 1.12 02/01467/FUL - Temporary portacabin – Permitted 07.01.2023.
- 1.13 03/0648/FUL - Renewal of planning permission ref 97/0969/8 - Replacement clubhouse – Permitted 17.07.2003.
- 1.14 03/0647/CAC - Conservation Area Consent: Demolition of existing clubhouse – Permitted 18.07.2003.
- 1.15 05/1442/FUL - Demolition and erection of replacement clubhouse – Permitted 01.12.2005.
- 1.16 05/1443/CAC - Conservation Area Consent: Demolition of clubhouse – Permitted 02.12.2005.

- 1.17 12/1530/FUL - Bringing onto site 2 small containers for safe storage for essential equipment in order to support junior football and other sports at CGS – Permitted 10.10.2012.

## **2 Site description**

- 2.1 The application site is currently occupied by Croxley Guild Bowls Club and is located within the Croxley Green Conservation Area. The site is accessible via the service road from The Green which is single track. An existing close boarded fence forms the boundary between the application site and the existing car park.
- 2.2 The site contains a club house building, the bowling green with a concrete path around its perimeter. There is an existing pergola structure and other detached buildings which include changing rooms and two small sheds around the perimeter of the bowling green.
- 2.3 To the east of the site is the Croxley Tennis Club and Croxley Guild of Sports & Social Club. To the west are a number of residential dwellings that front The Green.

## **3 Description of proposed development**

- 3.1 The application seeks full planning permission for the erection of a timber pergola.
- 3.2 The proposed pergola would replace the existing in a similar location on the existing area of hardstanding to the east of the clubhouse building. The pergola would have a depth of approximately 3m and a total width of approximately 12m, set along the boundary with the tennis courts to the south. The pergola would have a hipped roof with a total ridge height of approximately 3m.
- 3.3 The pergola would remain open on all four sides, with its roof form supported by 10 wooden posts. The material will either be either European Oak or Red Spruce and the roof form is proposed to be felt to match the clubhouse roof. It is understood that the pergola will act as a shelter providing shade for players and visitors of the club.

## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 National Grid – [No response received]

4.1.2 Croxley Green Parish Council

Subject to Conservation Officers' views, no reason to object, but the planning officers should be satisfied that enough information has been provided to allow a proper determination of the application.

4.1.3 Three Rivers District Council Property Services – [Objection]

The Property Team object to the application on the basis that the applicant has not sought consent from TRDC as landlord to the Guild of Sport site. I would urge the applicant to make early contact with the Property Team (property@threerivers.gov.uk) in order to discuss their proposals.

4.1.4 Conservation Officer – [No Objection]

The application is for Erection of a timber pergola.

The site is in Croxley Green Conservation Area.

It is also close to a high concentration of locally and nationally listed buildings which face onto The Green.

The Grade II listed Halewood Cottage (List Entry Number: 1100843) is a short distance to the northwest. Grade II listed Providence Hall (List Entry Number: 1348261) is located to the southwest. The pergola would be located at the southern end of the bowling green on an area of hardstanding, close to the tennis courts and existing structures. It would be a lightweight open structure built in natural materials.

It is appropriate for this location and context and there is no objection in heritage terms, subject to the materials being like those shown in the submission, i.e., a primarily wooden structure. **On this basis there is no objection to the proposal in heritage terms.**

This response has been made with regard to Sections 72 (1) and 66 (!) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework Chapter 16 'Conserving and Enhancing the Historic Environment'.

## **5 Public/Neighbour Consultation**

5.1.1 Number consulted: 12 No of Responses received: 0

5.1.2 Site Notice Posted: 10.12.2025, Expired: 03.01.2026

5.1.3 Press notice Published: 19.12.2025, Expired: 12.01.2026

5.1.4 Summary of responses: None received

## **5.2 Reason for Delay**

5.2.1 Committee Cycle

## **6 Relevant Local and National Planning Policies**

### **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.

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.

### **Policy/Guidance**

National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 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 retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

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

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

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

Croxley Green Neighbourhood Plan Referendum Version (2018).

### Other

Croxley Green Conservation Area Appraisal (1996)

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

## **7 Analysis**

### **7.1 Design and impact on the character of the Streetscene and Conservation Area**

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.

7.1.2 The application site is located within the Croxley Green Conservation Area, therefore Policy DM3 applies. Policy DM3 sets out that within Conservation Areas development will only be permitted if the proposal:

- 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.

7.1.3 The proposal would result in the replacement of the existing pergola on site in a similar location, albeit on a slightly larger footprint with the existing measuring approximately 2.8m x 10m and the proposed measuring approximately 3m x 12m. The proposed pergola would remain open sided on all four sides and would be of a modest scale in terms of its total height which is less than the existing structure. Although visible above the height of the existing fence which forms the boundary to the Tennis Club and adjacent car park it is read in the backdrop of existing recreational development. The application site is set back from The Green and whilst some views of the development may be had from The Green and wider Conservation Area it is considered that these views would be obscured by both existing residential development and read in its context adjacent to the Tennis Courts.

7.1.4 The open nature of the structure would allow for the continued perception of openness and would not create a dominant or visually intrusive feature on the site. By virtue of its modest scale and limited height, the structure would not appear visually dominant or intrusive within the streetscene. Its lightweight timber form would preserve the sense of openness and would not detract from the

significance or setting of the Conservation Area. It is noted that the proposed structure incorporates a hipped roof form, which would give it a slightly more permanent appearance compared with the existing structure. However, this form is not considered to be harmful to the character or appearance of the site or wider Conservation Area, and it would remain set below the height of the existing clubhouse which the hipped roof intends to mimic. The hipped roof would present a balanced form and due to its open sided nature will allow the structure to be read comfortably within its surroundings.

7.1.5 The Conservation Officer was consulted on the application and advises that owing to its lightweight open structure built in natural materials it would be appropriate for this location and context and there is therefore no objection in heritage terms, subject to the materials being like those shown in the submission, i.e., a primarily wooden structure.

7.1.6 Accordingly, the proposal would remain of an appropriate scale and design which is considered to preserve the character and appearance of the Conservation Area.

7.1.7 In summary, the proposed development would not result in any adverse harm to the character or appearance of the streetscene and would preserve the character of the Conservation Area. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM3 of the Development Management Policies LDD (2013), the Croxley Green Neighbourhood Plan Referendum Version (2018) and the Croxley Green Conservation Area Appraisal (1996)

## 7.2 Impact on Neighbours

7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.

7.2.2 To the north/northeast of the application site are the neighbouring dwellings Saltram Cottage, Rose Cottage, Fearnley House, Greenside and Roseville. On the opposing side of the highway also to the east of the application site is No1-5 Old Barn Mews. These residential neighbours front The Green. The area of proposed development would be separated from the closest residential neighbours by approximately 27m and by virtue of the existing clubhouse building. The timber pergola would be sited on the existing concrete path to replace the existing pergola structure, albeit on a slightly larger scale in terms of its footprint. By virtue of its open-sided form and limited height which would appear to be less than the existing structure is not considered to result in a sense of enclosure or appear overbearing when viewed from neighbouring properties by virtue of the separation distance retained. The proposed pergola is not considered to introduce opportunities for overlooking or result in a loss of privacy to the adjacent residential neighbours.

7.2.3 To the west/southwest of the application site is Croxley Tennis Club and the Croxley Guild of Sports and Social Club. The proposed pergola is not considered to result in an adverse impact on the amenity of the adjacent Tennis or Sports Club given that it would remain to be read in the context of existing recreational development and would replace the existing structure on site. By virtue of its open side design and modest scale, it is not considered that the proposal would result in an overbearing presence when experienced from the adjoining sports facilities. Nor is it considered to interfere with the continued operation of the adjacent premises. The proposal is therefore considered acceptable in amenity terms.

7.2.4 In summary, the proposed development would not result in any adverse impact on any neighbouring dwelling or premises, and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy.

## 7.3 Highways and parking provision

7.3.1 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.

7.3.2 The existing parking provision for the site is provided in the existing parking area adjacent to the bowls club, it is also noted that there is a further parking area adjacent to the tennis courts and existing tennis pavilion. The proposed development would replace an existing structure intended to support the club's current use and is not considered to be associated with additional comings and goings from the site or materially impact how the use functions. The structure remains within the confines of the bowls club and would therefore not impact on the existing parking provision which is considered to be sufficient for its current use. The proposal is therefore considered acceptable in this regard.

#### 7.4 Wildlife considerations

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

7.4.2 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.

7.4.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.

#### 7.5 Mandatory Biodiversity Net Gain

7.5.1 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.

7.5.2 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 the de-minimis exemption. Officers acknowledge that the total area of the proposed pergola is approximately 37sqm and therefore in excess of the 25sqm set out within the accepted exemption. However, it is acknowledged that the pergola is replacing an existing structure and the pergola would sit on an area of existing hardstanding and is therefore not considered to impact any on site habitat, or impact a priority habitat. The proposal is therefore considered to be exempt from mandatory BNG.

#### 7.6 Trees and landscape

7.6.1 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.

7.6.2 The application site is located within the Croxley Green Conservation Area therefore all trees are afforded protection by way of this designation. There are however no trees in the area of the proposed development which consists largely of existing hardstanding. It is therefore not considered that any trees would be impacted by the proposed development. The proposal is therefore considered acceptable in this regard.

### **8 Recommendation**

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

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 5.12.25, TRDC01 (Block Plan), TRDC02 (Location Plan), TRDC03 (Heritage Statement)

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM3, DM6 and DM13 and Appendix 5 of the Development Management Policies (adopted July 2013), Croxley Green Neighbourhood Plan Referendum Version (2018) and the Croxley Green Conservation Area Appraisal (1996).

C3 The pergola shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as stated in the submitted application form; and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

## 8.2 Informatives

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto: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](http://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](mailto: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 development maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- 15 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
  - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - b) the planning authority has approved the plan.

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

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

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

Development below the de minimis threshold, meaning development which:

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

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

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

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

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

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

- 16 The applicant is reminded that prior to the commencement of works, approval will be required from the Council as land owner, via the Property Services team. You should contact the property services team prior to the works taking place via 01923 776611 or by email to [property@threerivers.gov.uk](mailto:property@threerivers.gov.uk).

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**25/2102/ FUL – Croxley Guild Bowls Club – Site Photographs**



*Figure 1: View from Rear of Tennis Courts*





## PLANNING COMMITTEE – Monday 16 February 2026

### **25/2150/FUL - Extension of existing crossover and alterations to driveway at 10 Oak Green, Abbots Langley, Hertfordshire, WD5 OPG.**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 09.01.2026  
Extension of Time Agreed: 20.02.26

Ward: Abbots Langley And Bedmond  
Case Officer: Danielle Kavanagh

Recommendation: That planning permission be GRANTED subject to conditions.

Reason for consideration by the Committee: The agent for the application is a District Councillor.

To view all documents forming part of this application, please go to the following website:  
[25/2150/FUL - Extension of existing crossover and alterations to driveway at 10 Oak Green, Abbots Langley, Hertfordshire](#)

### **1 Relevant Planning History**

- 1.1 25/0658/FUL - Conversion of existing garage to habitable accommodation, including alterations to fenestration and extension to existing hardstanding to frontage. - 23.05.2025 – Permitted (partially implemented, garage conversion)
- 1.2 25/0645/CLPD - Certificate of Lawfulness Proposed Development: Construction of outbuilding to rear, loft conversion including rear dormer and front rooflight – 05.06.2025 – Permitted, implemented

### **2 Description of Application Site**

- 2.1 The application site contains a semi-detached two-story dwelling, located on the northern side of Oak Green, Abbots Langley. Land levels on the site rise from front to rear in a south to north direction.
- 2.2 The streetscene of Oak Green is characterised by a variety of red brick dwellings, including terraced, semi-detached and link detached dwellings, set on gently staggered building lines.
- 2.3 The application dwelling is finished in mixed red brick with tile hanging at part of the first floor level. The dwelling's integrated garage has been converted to provide habitable accommodation. Within the frontage, there is space for one car to park and an area of lawn. To the rear of the dwelling is a patio with the majority of the amenity area laid to lawn. All boundaries to the rear of the dwelling are marked by close-board wooden fencing. The dwelling benefits from an outbuilding to the rear of the site.
- 2.4 The attached semi-detached neighbour No. 11 Oak Green is built in a similar style to the host dwelling and sits on the same land level. The neighbour to the west No. 9 Oak Green is a link detached red brick dwelling. This neighbour is set forward of the host dwelling.

### **3 Description of Proposed Development**

- 3.1 This application seeks full planning permission for the extension of existing crossover and alterations to driveway.
- 3.2 The driveway extension would require the removal of an area of lawn and the creation of an area of water-permeable hardstanding. The extension would be splayed and measure 4.8m wide at the front boundary, increasing to 6.6m at the rear of the frontage. It would be 5.8m deep, the resulting increased area of hardstanding would be 31.9 sqm. It would be

constructed on the western side of the existing driveway. The driveway finish was confirmed by the agent and would be block paving with open joints for drainage, and would feature an additional drainage grill at the front boundary. The proposal would create space for two cars to park.

3.3 The proposed crossover extension would result in one additional section (approximately 0.9m) of dropped kerb being added to the existing vehicular crossover.

3.4 Amended plans were sought and received during the course of the application, reducing the extent of the proposed crossover extension.

#### **4 Statutory Consultation**

4.1 National Grid: [No response received]

4.2 Abbots Langley Parish Council: [No response received]

4.3 Hertfordshire County Council Highways: [Comment 1, 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 proposed extended vehicle crossover (VXO) is not in accordance with Hertfordshire County Council's (HCC) specifications and has the potential to negatively impact on the free and safe flow of pedestrian highway user on the adjacent local access road due to the unnecessarily long VXO / dropped kerb in which pedestrians would need to cross. The proposals are therefore contrary to policy guidelines as outlined in the National Planning Policy Framework (NPPF) 2019 and Hertfordshire's Local Transport Plan (LTP4) 2018.*

#### *Comments*

*The development site is located on Oak Green, an unclassified local access road subject to a 20mph speed limit and is considered highway maintainable at public expense. On Hertfordshire County Council's Place and Movement network, Oak Green is categorised as P2/M1 (e.g. Residential Street). No reportable highway collisions recorded within the immediate vicinity of the application site (5-year rolling). No Public Right of Way (as shown on the PRow map) directly affects the site or would be affected by the proposal. The site currently shared a dropped kerb and vehicle crossover with number 11, comprising of (approximately) seven dropped kerbs and two ramped kerbs. Each dropped/ramped kerb is 0.9m in length, meaning the length of the current dropped kerb is 6.3m (8.1m including ramped). The proposals include extending this a further 2.7m (3.6m including ramped kerbs). This means the dropped kerb would be extended to 10 flat kerbs and two ramped kerbs.*

*Hertfordshire County Council's Residential Dropped Kerb Policy states that:*

*"If the property already has a dropped kerb, we will only extend the existing access up to a maximum of four flat kerbs which equals 3.6m. This is the widest dropped kerb that we will allow. You will also be provided with one or two ramped kerbs depending on your property. Please do not apply for a dropped kerb wider than this as it will be refused"*

*It also states that: "A double dropped kerb which serves two properties will get 6 flat kerbs. Please do not apply for a dropped kerb wider than this as it will be refused."*

*A proposed dropped kerb arrangement totalling 10 flat kerbs cannot be accepted and is contention with the Dropped Kerb Policy and resultantly, Hertfordshire County Council's*

*Local Transport Plan (LTP4 - adopted 2018) Policy 5(b) - safe and acceptable access arrangements.*

*The Highway Authority is therefore recommending refusal on this application for the above reasons. The HA would not be minded to refuse an application which extended the current arrangement by one flat kerb (0.9m), meaning both properties received the four flat kerb maximum specified in the Residential Dropped Kerb Policy. As far as it is concerned, the current seven kerb arrangement provides four for the neighbouring property and three for number 10, as highlighted in the image below.*



#### 4.4 Hertfordshire County Council Highways: [Comment 2, Objection overcome]

*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.*

##### *Informatives*

*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) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx>*

*AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before*

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

*AN3) 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.*

*AN4) 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.*

#### Comments

*Amended plan: Following initial comments made by the Highway Authority on 23 December 2025, in which we recommended refusal based on an overly-long dropped kerb proposal, a modified plan removing this has been submitted. The Highway Authority is therefore re-assessing this application based on the amendments.*

*Context: The development site is located on Oak Green, an unclassified local access road subject to a 20mph speed limit and is considered highway maintainable at public expense. On Hertfordshire County Council's Place and Movement network, Oak Green is categorised as P2/M1 (e.g. Residential Street). No reportable highway collisions recorded within the immediate vicinity of the application site (5-year rolling). No Public Right of Way (as shown on the PRow map) directly affects the site or would be affected by the proposal.*

*Access: The site currently shares a vehicle crossover and dropped kerb with the neighbouring property, number 11, comprising of (approx.) 7 flat kerbs and 2 ramped kerbs. This is the sole vehicular access to the site. The proposals, following amendments demonstrated in drawing no. 2448-SK-500-B, comprise of extending the existing drive by 1 kerb, meaning the crossover will subsequently comprise of 8 flat kerbs and 2 ramped kerbs. This is in line with the Residential Dropped Kerb Policy which states that one dwelling can have a maximum of 4 flat kerbs, meaning the two dwellings together will have a dropped kerb made up of 8 flat kerbs and have 4 each. No issues have therefore been identified by the Highway Authority following these amendments.*

*Parking: As a result of the widened crossover, the development proposes to increase the number of parking spaces available to two. The Local Planning Authority will need to be content that proposals meet local parking standards, however the Highway Authority has no issue with the addition of an extra parking space at this location.*

*Surface water flood risk to the highway: The applicant is reminded that surface water must not be allowed to flow or be discharged onto land considered highway maintainable at public expense. Considering the nature and extent of the development the Highway Authority is content that this risk has not increased as a result of this development.*

*Emergency vehicle access: No changes to the current emergency access have been identified and all parts of the building will be within the 45m distance required for a fire tender to be able to reach in an emergency.*

*Access for waste collection vehicles: No changes to the waste collection arrangements are proposed or identified.*

#### 4.5 **Public/Neighbour Consultation**

4.6 Neighbours consulted: 5

4.7 Responses received: 0

#### 5 **Reason for Delay**

5.1 Deferred from January Committee meeting.

#### 6 **Relevant Planning Policy, Guidance and Legislation**

##### 6.1 Legislation

6.2 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).

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

6.4 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.

6.5 The Environment Act 2021.

##### 6.6 National Planning Policy Framework and National Planning Practice Guidance

In 2024 the National Planning Policy Framework was revised. 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.

##### 6.7 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 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM8, DM13 and Appendices 2 and 5.

## **7 Planning Analysis**

### **7.1 Background**

7.1.1 This application follows application 25/0658/FUL for the conversion of the existing garage to habitable accommodation, including alterations to fenestration and extension to the existing hardstanding to the frontage, which was approved at the May 2025 Planning Committee Meeting. The differences between the previous application and this one are an increase in the area of hardstanding to the front of the dwelling (a 24.8 sqm increase was approved, and a 31.9 sqm increase is proposed. The proposed driveway would be wider at the front boundary than the approved scheme which had a splayed western flank line.) and a proposed extension of the vehicular crossover. The garage conversion approved as part of the previous application has been implemented and is not included in this application.

### **7.2 Impact on the character and appearance of the host dwelling**

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 DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.

7.2.3 The proposed driveway extension would result in the removal of an area of lawn and an increase in usable driveway space for the host dwelling, providing an additional assigned parking space within the frontage. While the loss of an area of soft landscaping is regrettable, a modest area of soft landscaping adjacent to the boundary with No. 9 would be maintained, which would soften the appearance of the driveway and help to preserve the character and appearance of the street scene.

7.2.4 In summary, the proposed development would not result in any adverse harm to the character or appearance of the host dwelling or streetscene. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013)

### **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'. Policy DM1 and Appendix 2 of the Development

Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.

7.3.2 The proposed driveway extension would result in an increase in hardstanding to the frontage of the host dwelling of 31.9 sqm. This change is not considered to be of a scale that would be harmful to or impact neighbouring amenity.

7.3.3 The proposed development would therefore be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).

#### 7.4 Highways & Parking

7.4.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.

7.4.2 Hertfordshire Highways were consulted on the proposed development after an initial objection, amended plans were sought and reconsulted on. No objection was raised to the amended plans. They concluded that the proposal would not give rise to an unacceptable impact on the safety or operation of the surrounding highway. Hertfordshire Highways recommended the inclusion of highway informative/advisory notes.

7.4.3 The existing property benefits from 4 bedrooms, and no increase in the number of bedrooms is proposed. The parking standards require 3 spaces for a property of this size. The proposed development would result in three assigned parking spaces being provided, based on Hertfordshire Highways standard space size of 2.4m x 4.8m. Therefore, the proposed parking arrangement for the dwelling would be fully compliant with the guidance in Appendix 5.

7.4.4 A condition was applied to the grant of consent for application 25/0658/FUL, requiring the driveway alterations to be implemented prior to the conversion of the garage. Due to the driveway being obscured by building materials and a skip during the site visit, it is unclear if this condition has been adhered to. However, this application has been assessed on its own merits and is found to provide an adequate parking arrangement for the host dwelling.

7.4.5 As noted above, the driveway is proposed to be constructed in a permeable material with a drainage grill at the front boundary to capture any surface run off from the hard standing. These measures will ensure that surface water is disposed of within the site in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

#### 7.5 Rear Garden Amenity Space

7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

7.5.2 The proposed development would not encroach upon the rear amenity space of the host dwelling, 132 sqm of useable amenity space would remain, which is acceptable to serve the four-bedroom dwelling.

#### 7.6 Trees & Landscape

7.6.1 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. The proposed development would not involve the removal of any trees or lie in close proximity to trees.

7.6.2 The proposed development would not require the removal of any trees nor is considered to result in any harm to others.

## 7.7 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.7.2 Biodiversity protection and protected species are a material planning consideration during the application process of this application. This is in accordance with Policy CP9 of the Core strategy in addition to Policy DM6 of the Development Management Policies Local Development Document. Local Authorities, in line with National Planning Policy, are required to ensure that a protected species survey is completed for applications whereby biodiversity may be affected prior to the determination of the application.

7.7.3 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors will be affected as a result of the application. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment.

## 7.8 Mandatory Biodiversity Net Gain

7.8.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

7.8.2 In this case, the applicant 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 Recommendation**

8.1 That subject to no new material planning considerations being raised, that PLANNING PERMISSION IS GRANTED subject to the following conditions:

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 2448SK500B.

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM8 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013).

C3 The driveway extension shall be undertaken in a permeable material or provision made to direct run off water to a permeable or porous area or surface within the site. The driveway shall be retained as such thereafter.

Reason: In the interests of highway safety and to ensure sufficient on site parking is provided in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM8, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

## Informatives

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application which includes a fee. There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto: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](http://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](mailto: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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - b) the planning authority has approved the plan.

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

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

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

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

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

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

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

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

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

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

- 15 New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx>
- 16 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 17 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 18 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

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