

PLANNING COMMITTEE - 17 APRIL 2025

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

Parish: Chorleywood
Expiry of Statutory Period: EOT: 22.04.2025

Ward: Chorleywood North and Sarratt
Case Officer: Claire Wilson

Recommendation: That Planning Permission be granted.

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

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

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

1 Relevant Planning History

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

2 Description of Application Site

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

3 Description of Proposed Development

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

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

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

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

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: [Concerns raised]

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

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

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

4.1.2 Local Plans: [No objection]

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

4.1.3 Herts Highways: [No objection]

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

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

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

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

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

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

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

Comments/Analysis

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

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

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

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

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

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

4.1.4 TRDC Property Services: [No comments received]

4.1.5 Landscape Officer: [No objection]

4.1.6 Herts Ecology: [No objection]

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

Summary of Advice:

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

Ecological information referenced:

1. Preliminary ecological Appraisal by Arbtech, 17 January 2025

Ecological Implications

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

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

(a) Developments falls Below the de minimis threshold:

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

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

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

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

4.2 **Public/Neighbour Consultation**

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

5 Reason for Delay

- 5.1 N.A

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

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

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

6.2 The Three Rivers Local Plan

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

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

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

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

6.3 Other

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

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

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

7 Planning Analysis

7.1 Principle of Development

7.1.1 The Core Strategy (adopted October 2011) sets out a Spatial Vision which states that, looking forward to 2026 and beyond, the District will remain a prosperous, safe and healthy place where people want and are able to live and work. In order to achieve this vision, a number of strategic objectives have been identified, including facilitating the provision of services and infrastructure to meet the needs of existing development and new development. This includes ensuring that all residents have good access to services including education.

7.1.2 The proposed development would involve the provision of a new educational building to expand the existing Montessori Nursery within the grounds of Chorleywood House. The supporting information submitted by the applicant cites that Policy DM12 of the Development Management Policies LDD (relating to 'community, leisure and cultural facilities') as relevant to the assessment of the current planning application. The supporting text to Policy DM12 does note schools to be a community use and it is viewed that a nursery/preschool would also fall under this category. The supporting text to Policy DM12 states that the Council; *'will support in principle the implementation of strategies by partner organisations to address deficiencies and to realise enhancements of education, health and cultural facilities which are vital community facilities and measures to make better use of existing facilities. Policy DM12 also states that 'where development proposals are submitted for new or improved community, leisure or cultural facilities, they should be accessible by sustainable modes of transport'.*

7.1.3 With regard to the need for the new building, it is understood from the supporting information that the current providers of the Montessori Nursery have operated from their current site for over 13 years. It currently provides an early-years setting for 37 children at any one time (with 51 children currently on roll). However, the existing nursery is operating at capacity, with a waiting list for certain age groups of almost two years; the applicant has also noted that they are currently having to turn away 60% of enquiries on a weekly basis. Furthermore, the statement submitted by the applicant notes that there has been a significant drop in the number of available childcare spaces available.

7.1.4 In addition, the demand for early years places has increased as a result of the Government initiative to extend free childcare to support more parents to return to work after their parental leave ends. Two phases of the expansion have already happened as follows:

- Since April 2024, eligible working parents of 2-year-olds have been able to access up to 15 hours of free early education and care per week (over 38 weeks a year).
- Since September 2024, this has been extended to eligible working parents of children aged from 9 months and above.

7.1.5 From September 2025, the final phase will rollout, with eligible working parents being able to access up to 30 free hours per week for children aged 9 months and over. This initiative therefore emphasises the importance being placed upon childcare provision centrally in order to help more parents return to work. Furthermore, this is supported by Paragraph 100 of the NPPF which sets out the following:

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

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

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

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

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

7.2 Green Belt

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

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

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

7.2.3 Paragraph 153 of the NPPF states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

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

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

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

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

7.2.6 In this case, the construction of a new building for educational purposes would not meet any of the identified exceptions set out in paragraph 154 and therefore would be regarded as an inappropriate form of development. However, it is also necessary to consider the development in relation to paragraph 155 of the NPPF which relates to 'grey belt'. This states that 'the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where all of the following apply:

- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b) There is demonstrable unmet need for the type of the development proposed.
- c) The development would be in a sustainable location with particular reference to paragraphs 110 and 115 of this frameworks.
- d) Where applicable the development meets the 'Golden Rules' requirements set out in paragraphs 156-157.

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

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

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

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

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

7.3 Impact on Character, Landscape and Heritage

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

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

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

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

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

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

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

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

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

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

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

7.4 Impact on amenity of neighbours

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

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

7.5 Wildlife and Biodiversity

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

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

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

7.6 Mandatory Biodiversity Net gain.

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

7.6.2 In this case, the applicant considers that the development would be subject to the de minimis exemption. The Ecological Appraisal advises that the project is unlikely to trigger the requirement for a biodiversity net gain assessment as it falls under one of the exemptions of less than 25square metres of habitat being impacted. Given that the building

would be mainly located on existing hardstanding which is classed as a sealed surface, it is considered that this exemption would be applicable and thus no objections are raised in this regard.

7.7 Trees and Landscaping

7.7.1 Policy DM6 of the Development Management Policies LDD relates to trees and landscaping. It states that 'development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the criteria of the Hedgerow Regulations 1997.

7.7.2 The Landscape Officer has been consulted and has raised no objections in relation to the proposed development. However, the Landscape Officer has advised that a condition should be attached to any consent requiring the applicant to undertaken development in accordance with the submitted tree protection method statement. As such, subject to this condition, the development is considered acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.8 Highways, Access and Parking

7.8.1 Policy CP10 of the Core Strategy relates to Transport and Travel and advises that development will need to demonstrate that it provides a safe and adequate means of access. In addition, it should make adequate provision for all users of the highway. Paragraph 111 of the NPPF is also relevant and states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residential cumulative impacts on the road network would be severe'. In this case, there is no proposal to alter the existing access to the site. The Highways Officer notes that the proposed extension would increase pupil numbers, however, has noted that the number of trips this would generate on the highway network would not be serve. As such, it is not considered that there would be any impact on the highway network.

7.8.2 Policy DM13 of the Development Management Policies LDD states that Development should make provision for parking in accordance with the parking standards and, the zone-based reductions set out in Appendix 5 until such time as set standards are revised. Appendix 5 states that for nursery schools and play groups, 1 car parking space should be provided per 4 pupils. In this case, the existing nursery accommodates 37 children, therefore requiring a total of 10 car parking spaces. The proposed new building is proposed to accommodate a further 30 children. As such, a maximum of 67 children could be on site at any one time. Therefore, based on a maximum total of 67 children, 17 car parking spaces would be required, an increase of 7 spaces in comparison to the existing use. It is noted that Appendix 5 of the Development Management Policies LDD does advise that this standard for car parking may be adjusted according to which zone the proposed development is located within. In this case, the application site is located within zone 4 which sets out that 75-100% of the indicative demand-based standard would be required. As such, a minimum of 13 spaces would be required.

7.8.3 Parking bays are not formally marked out, however, it is estimated that there are currently approximately 10 car parking spaces. The proposed building would be sited on the existing area of hardstanding and it is estimated that around five car parking spaces would be lost. The plans indicate that five car parking spaces would be retained in front of the building, although it is again noted that these spaces are not formally marked on site. Therefore, it is considered that there would be a maximum shortfall of 12 spaces or 8 spaces if the 75% demand based standard was applied.

7.8.4 Whilst the shortfall is acknowledged, it is noted that the site is accessed via a long access driveway. It is noted that is an existing public car park located on Lady Ela Drive in close proximity to the existing tennis courts. In addition, there are a number of public parking

spaces available along the road immediately adjacent to the nursery and it is likely that these are already used by parents accessing the existing childcare facility. Given that the drop off and pick up times would be staggered and would not occur at any one time, it is not considered that the shortfall in off street car parking would result in significant harm to justify refusal as any potential overspill parking from the site would not impact upon the public highway. Furthermore, the nursery does not operate at the weekends or into the evenings, when the wider Chorleywood House Estate is likely to be being accessed by members of the public enjoying the wider public open space, or by those using the other existing facilities such as the Tennis Courts or Chorleywood House Football Grounds. Herts Highways have noted the shortfall in car parking and have advised that sustainable/active travel methods should be promoted. It is understood that the nursery does not have an existing Travel Plan, therefore, a condition shall be added requiring the submission of a Travel Plan.

7.8.5 On balance, given the existing use of the site, it is not considered that the shortfall in off street car parking would result in significant harm to justify refusal of the application. The development is therefore considered acceptable and in accordance with Policy CP10 of the Core Strategy and Policy DM13 and Appendix 5 of the Development Management Policies LDD.

7.9 Refuse and Recycling

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

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

7.9.2 The supporting statement sets out that the proposed refuse and recycling will be stored and collected in line with the existing strategy for the site. It is noted that there is ample space on site for the storage of containers and as such no objection is raised in this regard.

8 **Recommendation**

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

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

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

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

P-001 A, P-002, P-003 J

Reason: For the avoidance of doubt, in the proper interests of planning, the openness of the Green Belt and National Landscape in accordance with Policies PSP2, CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2, DM3, DM6, DM7, DM19, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and Policies 2 and 8 of the Chorleywood Neighbourhood Plan (2020).

- C3 Prior to the first occupation of the building a 'Green Travel Plan' with the objectives of reducing journeys to and from the site by private car shall be submitted to and approved by the Local Planning Authority. This approved Green Travel Plan shall be implemented on first occupation of the building. An updated Green Travel Plan shall be submitted to the Local Planning Authority for written approval on the anniversary of the 1st year of occupation. The updated Green Travel Plan shall be implemented following its written approval.

Reason: To promote sustainable modes of transport and to meet the requirements of Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C4 The building(s) shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on Drawing Number P-003 J and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM7 of the Development Management Policies LDD (adopted July 2013).

- C5 The proposed building shall only be used as a nursery/preschool (Class E (f)) and for no other purposes (including any other purpose in Class E) of the Schedule to the Town and Country (Use Classes) Order (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C6 No children shall attend the nursery other than between the hours of 08:00 and 18:00 each weekday, and not at all on Saturdays, Sundays and Bank Holidays.

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

- C7 The number of children attending the nursery at any one time shall not exceed 67.

Reason: In the interests of amenity and highway safety in accordance with Policies CP1, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM7 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C8 The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme (Arboricultural Method Statement, Arbtech, 05 February 2025) before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be

lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

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

- C9 The recommended mitigation measures in relation to bats, nesting birds, reptiles and badgers as set out in the Preliminary Ecological Appraisal (Arbtech, 17 January 2025) shall be adhered to.

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

8.2 **Informatives:**

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

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

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

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

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

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

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

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any

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

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

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

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

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

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

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

Development below the de minimis threshold, meaning development which:

- a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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

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

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

- 15 The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.
- 16 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 17 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 18 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

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