

## PLANNING COMMITTEE – 17 July 2025

**24/1231/FUL – Demolition of existing store building; subdivision of site and construction of two storey detached dwelling with associated solar panels, access, parking and landscaping works at 9 ASHLEYS, MILL END, RICKMANSWORTH, HERTFORDSHIRE, WD3 8JU**

Parish: Non-Parished

Ward: Penn & Mill End

Expiry of Statutory Period: 15.10.2024

Case Officer: Tom Norris

(Extension of time agreed to 25.07.2025)

Recommendation: That PLANNING PERMISSION BE GRANTED subject to conditions.

Reason for consideration by the Committee: Called in by three members of the planning committee unless Officers are minded to refuse planning permission, to discuss the impact on neighbouring amenity.

Application Type: Minor Dwellings

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=SHKSSZQFKR200>

### 1 Relevant Planning History

- 1.1 23/0797/CLPD - Certificate of Lawfulness Proposed Development: Construction of single-storey rear extension - 27.07.2023 – Permitted, not implemented.

### 2 Description of Application Site

- 2.1 The application site is located on the northern side of Ashleys, Mill End, at the end of the cul-de-sac.
- 2.2 The existing dwelling is semi-detached and fronts the street in a regular manner. The dwelling is traditional in character with a facing brick exterior and dark tiled hipped roof form. The site contains a section of land to the west of the dwelling which forms part of the amenity garden serving the dwelling. The application dwelling does not contain any off-street parking provision to the site frontage.
- 2.3 The surrounding area consists of dwellings of largely identical scale and design which front the road in a similar manner to the application dwelling. The land levels of the site increase from an east to west direction.
- 2.4 Adjoining the front and side of the site is a track driveway which leads to a garage site located to the north-west of the application site. There is a parking area in this location, fenced off from the amenity garden and laid with hardstanding, which is used by 9 Ashleys.

### 3 Description of Proposed Development

- 3.1 Full planning permission is sought for the demolition of existing store building; subdivision of site and construction of two storey detached dwelling with associated solar panels, access, parking and landscaping works.
- 3.2 It is proposed that the existing site is subdivided to form a separate site to the west of no.9, measuring 250sqm in total area. The existing attached store serving no.9 would be demolished, and a two-storey dwelling constructed which would physically adjoin no.9 at ground floor level with a gap of approximately 1m at first floor level. The proposed dwelling

would have an approximate 0.8m higher base height to no.9 Ashleys, and its ridge would be approximately 0.3m higher than no.9.

- 3.3 The proposed dwelling would have a total width of 7.1m and a principal depth of 4.9m. The dwelling would contain a front gabled feature which would have a width of 3.6m and project 2.0m forward of the principal part of the dwelling. The dwelling would have a hipped roof form with an eaves height of 4.9m and an overall height of 7.0m. The dwelling would have a ground floor rear projection which would span the full width of the property and would have a depth of 3.0m and a height of 3.0m. The dwelling would contain a rear sunken patio area with steps up to the garden.
- 3.4 The proposed dwelling would have a rear amenity garden of some 110sqm in area and the existing dwelling would retain a garden of approximately 100sqm in area. The dwelling would have a small front garden and would provide two parking spaces to the side for the proposed dwelling, accessed via the track serving the separate garage site adjoining the rear of the application site.
- 3.5 The proposed dwelling would be finished in materials to match the existing dwelling at no.9. The dwelling would contain glazing in its front, rear, and flank elevations. The dwelling would contain a flank rooflight and solar panels to its front and flank roof slopes.
- 3.6 Amended plans were received during the application which detached the proposed dwelling at first-floor level from no.9 Ashleys.

## **4 Consultation**

### **4.1 Statutory Consultation**

- 4.1.1 National Grid: [No response received]

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

- 4.2.1 Neighbours consulted: 14
- 4.2.2 Responses received: 10 total objection comments from 4 addresses.
- 4.2.3 Site notice posted 17.09.2024, expired 08.10.2024.
- 4.2.4 Press notice not required.
- 4.2.5 Summary of responses
- Loss of sunlight and daylight
  - Concerns over cramped appearance
  - Concerns over narrow access to property
  - No permission to access parking
  - Concerns over parking pressure
  - Understand need for housing
  - Concerns with refuse collection
  - Concerns with access for emergency and delivery vehicles
- 4.2.6 Given some material changes to the amended plans, these were reconsulted on for 21 days on 08.04.2025.

## **5 Reason for Delay**

- 5.1 Committee cycle; Officer negotiation over amendments, BNG, and affordable housing contributions.

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

### **6.1 Legislation**

- 6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).
- 6.1.2 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 6.1.3 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.
- 6.1.4 The Environment Act 2021.

### **6.2 Policy & Guidance**

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

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

#### *The Three Rivers Local Development Plan*

- 6.2.3 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.
- 6.2.4 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12.
- 6.2.5 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include Policies DM1, DM4, DM6, DM8, DM9, DM10, DM11, DM13, Appendix 2 and Appendix 5.

### **6.3 Other**

- 6.3.1 Affordable Housing Supplementary Planning Document (adopted June 2011).
- 6.3.2 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

## **7 Planning Analysis**

### **7.1 Principle of Development**

- 7.1.1 The proposed development would result in a net gain of one dwelling. The site is not identified as a housing site in the Site Allocations LDD (SALDD) (adopted November 2014). However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.
- 7.1.2 The NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land. It should be noted that Annex 2: Glossary of the NPPF defines that 'previously developed land' excludes 'land in built-up areas such as residential gardens.' The land is therefore not considered to be previously developed however it is also recognised that the NPPF does not include a presumption against development on or within private residential gardens. The application would therefore need to be assessed against all other material planning considerations.
- 7.1.3 Core Strategy Policy CP2 advises that in assessing applications for development not identified as part of the district's housing land supply including windfall sites, applications will be considered on a case-by-case basis having regard to:
- i. The location of the proposed development, taking into account the Spatial Strategy
  - ii. The sustainability of the development and its contribution to meeting local housing needs
  - iii. Infrastructure requirements and the impact on the delivery of allocated housing sites
  - iv. Monitoring information relating to housing supply and the Three Rivers housing targets.
- 7.1.4 The application site is located within Mill End which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that future development will be focused predominantly on sites within the urban area and on previously developed land.
- 7.1.5 Policy PSP2 of the Core Strategy deals with development in the Key Centres and states that development will be focussed predominantly on sites within the urban area, on previously developed land and will provide approximately 60% of the district's housing requirements over the plan period.
- 7.1.6 The application site comprises land utilised as garden land of 9 Ashleys and therefore does not constitute previously developed land. It is recognised however that the site is located within an existing residential area, along a road frontage within an established residential area. Any proposal would be required to have regard to Policy PSP2 in terms of its design which is discussed in more detail in the following sections of this advice note.

## 7.2 Housing Mix

- 7.2.1 Policy CP3 sets out that the Council will require housing proposals to consider 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. The South West Herts Local Housing Needs Assessment Update (LNHA) was published in March 2024 and is the most recent update to the SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:

Market	Affordable home ownership	Affordable Housing (Rented)	
		General Needs	Older Persons

1-bedroom	5%	20%	20%	50%
2-bedrooms	20%	40%	30%	50%
3-bedrooms	45%	30%	35%	
4+-bedrooms	30%	10%	15%	

- 7.2.2 It is considered that a development of this nature, for one dwelling, would not prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

### 7.3 Affordable Housing

- 7.3.1 **Appendix A** of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.

- 7.3.2 As a net gain of one unit, the proposed development would be liable for a commuted sum payment towards affordable housing. This site lies within the “Rickmansworth South and Maple Cross” market area where the figure is £550 per square metre. The proposed development would require an affordable housing contribution of £37,950 (plus indexation from June 2011 when the AHSPD was adopted).

- 7.3.3 The application was accompanied by a Viability Assessment which concluded that the proposed development cannot support any affordable housing contribution and remain viable. This assessment was reviewed by the Council's independent viability consultant, Adams Integra. The submitted information also included a build costs plan, which was assessed by an independent Quantity Surveyor, appointed by Adams Integra. It was concluded that the scheme could not support an affordable housing payment and remain viable. It was therefore recommended that, should the Council be minded to grant approval, the applicant should not be required to provide an affordable housing contribution. The Council accept the recommendation of Adams Integra and will not seek an affordable housing contribution in this instance.

- 7.3.4 In summary, the Council will not be seeking an affordable housing contribution for the proposed development. The proposed development would therefore be acceptable in this respect in accordance with Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

### 7.4 Impact on Character and Appearance

- 7.4.1 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'.

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

- i. Tandem development;

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

- 7.4.3 The application site comprises land utilised as garden land serving no.9 Ashleys. The proposed site, following its subdivision from no.9, would be relatively large in scale, including in its general depth and width, whilst leaving no.9 with a plot size, including amenity garden, which would maintain the character of the area. The proposed new dwelling would largely conform to the established front and rear building lines of no.9 and the attached neighbour. It is therefore not considered that the proposal would result in tandem development or a layout unable to maintain the character of the area. The remaining criteria (ii, iii, iv) are dealt within the following sections of this report. An objection is therefore not raised regarding the proposed subdivision in terms of the resultant plot sizes.
- 7.4.4 The proposed dwelling would appear principally detached from no.9 Ashleys with a 1.0m two-storey flank spacing. It is noted that this would fall short of the 1.2m policy however the Design Criteria states that 1.0m will be considered in higher density areas. Given the relatively high-density context, it is not considered that this would result in demonstrable harm to the street scene. There would be a discreet, single-storey flat roofed link to the outer flank wall of no.9 however this would be set back from the principal front gabled feature of the proposed dwelling and no.9.
- 7.4.5 The proposed dwelling is designed to reflect the character of dwellings found throughout the cul-de-sac, including hipped roof form, fenestration, front gabled feature, and materials. The proposed dwelling would have a comparative height to no.9 and no.10 (approximately 0.3m higher) and harmoniously follows the increase in land levels in a western direction. The front gable to the proposed dwelling would also be set back by approximately 1.0m relative to no.9.
- 7.4.6 Overall, it is considered that the proposed dwelling would sit comfortably within the site in terms of its footprint, and its design and massing allows it to integrate acceptably with the street scene. The proposed drawings include detailed existing and proposed levels which demonstrate that the plot, and therefore the proposed dwelling, sits higher relative to no.9 however any resultant prominence is offset by the ridge height not significantly exceeding no.9 (approximately 0.3m). It is therefore not considered that demonstrable harm would arise to the character and appearance of the area or street scene.
- 7.4.7 The proposed dwelling includes features such as solar panels and rooflights. Given the presence of these locally and generally, it is not considered that they would be harmful features. The proposed development includes hard and soft landscaping to the front and side of the site. It is considered appropriate to include a condition for a detailed hard and soft landscaping scheme. It is also considered appropriate to include a condition for boundary treatment to ensure that the proposed development has a satisfactory appearance.
- 7.4.8 It is considered appropriate to remove permitted development rights for further extensions to the property, including enlargements and roof additions, to prevent the dwelling becoming harmfully prominent or the plot being overdeveloped in future, outside of the control of the LPA.
- 7.4.9 The proposed development is therefore acceptable in this regard, in accordance with Policies CP1, CP3 and CP12 of the Core Strategy and Policies DM1 and Appendix 2 of the Development Management Policies LDD.

## 7.5 Impact on amenity of neighbours

- 7.5.1 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. To avoid loss of light and an overbearing impact on neighbours, two storey development at the rear of properties should not intrude a 45-degree splay line drawn across the rear garden. The line should be taken 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 properties.
- 7.5.2 The proposed dwelling would not intrude the 45-degree splay line with no.9 or any other neighbour. The proposed ground floor projection to the proposed dwelling is relatively shallow in depth, at 3.0m which is compliant with the Design Criteria which generally allow 4.0m to a detached dwelling, therefore is considered to have an acceptable impact on the rear outlook of no.9.
- 7.5.3 It is noted that the neighbour to the south-west at no.8 is positioned at a lower land level relative to the application site. It is acknowledged that the proposed dwelling would be visible from this neighbour's perspective to varying degrees, including from their front windows and within their rear amenity garden. While this would be the case, it is not considered that the proposed dwelling would be overbearing or result in a loss of light to this neighbour. The proposed dwelling would be approximately 7m from this neighbour and separated by the service road to the garage site at the rear of Ashleys.
- 7.5.4 The proposed dwelling would contain front, flank and rear glazing. It is not considered that the proposed development would cause harm because of overlooking. Views towards the ends of the rear gardens of no.9 would be achieved. There would be approximately 40m between the rear elevation of the dwelling and the dwellings to the rear on The Queens Drive and it is not considered that harmful overlooking would arise here. The proposed dwelling would have front glazing which would largely overlook the road and some of the frontage to neighbours including no.8. It is not considered that the rear amenity garden of no.8 would be overlooked or any neighbour beyond to this side.
- 7.5.5 In summary, the proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1 and Appendix 2 of the Development Management Policies LDD.

## 7.6 Highways & Parking

- 7.6.1 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 CP10 states that all development should be designed and located to minimise the impacts of travel by motor vehicle on the district. Three Rivers District Council are the Parking Authority, and Policy DM13 and Appendix 5 of the DMLDD set out the car parking requirements for the district. Car parking spaces should be shown on a proposed site layout plan submitted to accompany a formal planning application, with care taken to ensure that the size of any proposed car parking area is the minimum necessary to facilitate parking.
- 7.6.2 Appendix 5 of the Development Management Policies DPD sets out the following parking standards:
- 2-bedroom dwellings - 2 spaces per dwelling (1 assigned space)
  - 3-bedroom dwellings - 2.25 spaces per dwelling (2 assigned space)

- 7.6.3 It is noted that the existing dwelling is a three-bedroom dwelling and does not contain any off-street parking provision. There is an existing parking shortfall of 2.25 spaces (2 assigned spaces).
- 7.6.4 It is noted that there is an area for parking up to two vehicles to the western side of no.9 Ashleys. This has been cut out and fenced off the amenity garden of no.9 and uses the TRDC owned access track to the garage site at the rear. Officers understand that, while this may be used on a casual basis for parking, there is no formal agreement in place with TRDC for use of the track. This therefore cannot be regarded as lawful parking provision, and as noted above there is an existing shortfall of 2.25 spaces which would remain following the proposed development.
- 7.6.5 It is noted that there are existing parking pressures within Ashleys. The parking provision consists of communal parking bays, informal on-street provision, and some dwellings having their own private driveways. Officers considered it appropriate to carry out a monitoring exercise to aid consideration of the issue. Officers carried out visits on weekdays at the times of 09:00, 11:00, 13:00, 15:00 and 17:00, 19:00, and 21:00, and on Saturdays at 10:00 and 12:00. It was ascertained that there were limited opportunities for on-street parking at peak evening times, when most residents would be at home.
- 7.6.6 It must be acknowledged that the site is located within an established settlement (Mill End Key Centre). The site is a 10-minute (0.5 mile) walk from Berry Lane shops and services. It is also noted that there are links to public transport on Shepherds Lane to the main shopping parade in Mill End and to Rickmansworth.
- 7.6.7 The proposed dwelling would contain two bedrooms, and it is proposed that two formal parking spaces are provided in the above-described area. There would be a net demand for 2 assigned spaces for the proposed development and 2 parking spaces would be provided. Whilst the required number of spaces would therefore be provided for the proposed dwelling, the acceptability of the scheme in parking terms relies on it being demonstrated that the proposed spaces can be lawfully accessed. It is therefore considered appropriate to include a condition on any permission granted for the applicant to demonstrate that they have obtained the private permission of the owner of the access track (in this case TRDC) prior to the commencement of any parts of the development. In addition, in the event the applicant can demonstrate they have a right of access, a further condition is necessary to ensure that the two car parking spaces within the site are kept permanently available for the use the proposed dwelling.
- 7.6.8 Taking the above factors into consideration, there is an historic shortfall of allocated parking provision to no.9. It is acknowledged that no.9 has created an ancillary parking area from garden land which has been used on a casual basis, and without private consent to lawfully use the access road to the garage site. The proposed development proposes lawful and policy compliant parking provision to serve the proposed dwelling. Overall, the development insofar as the new dwelling would comply with the adopted parking standards and there would be no change in the lawful situation of 9 Ashleys having no allocated off-street parking.
- 7.6.9 In summary, subject to conditions, the proposed development is acceptable in this regard, in accordance with Policy CP10 of the Core Strategy (2011) and Policy DM13 and Appendix 5 of the DMLDD (2013).
- 7.7 Quality of accommodation for future occupants & Amenity Space
- 7.7.1 Appendix 2 of the Development Management Policies LDD sets out standards for the provision of amenity space and states the following indicative levels:

- 3 bed dwelling - 84 square metres
- 4 bed dwelling - 105 square metres



- additional bedrooms - 21 square metres each

7.7.2 The submitted block plan indicates that the proposed dwelling and no.9 would each be served by amenity gardens of over 85sqm following the subdivision of the site. This is an acceptable level of space in accordance with the standards and would also maintain the character of the area in terms of garden size.

## 7.8 Trees & Landscape

7.8.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.' Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows, and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.

7.8.2 No trees would be affected by the proposed development. It is considered appropriate to include a condition for a hard and soft landscaping scheme on any permission granted to ensure the satisfactory appearance of the site.

## 7.9 Refuse & Recycling

7.9.1 Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

7.9.2 The existing dwelling is located within a residential area and the collection of refuse and recycling bins adjacent to the highway would be considered acceptable in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

## 7.10 Sustainability

7.10.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero-carbon standard (as defined by central government). However, the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part L would continue to apply.

7.10.2 The application is accompanied by an energy statement prepared by C80 solutions. The report confirms that a range of energy efficiency measures are to be incorporated into the building fabric to reduce energy demand and confirms that the proposed scheme is to secure at least a 5% reduction in CO2 emissions below the baseline emission rate based on Part L 2013 edition.

## 7.11 CIL

7.11.1 Core Strategy Policy CP8 requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) came into force on 1 April 2015. The levy applies to new dwellings and development comprising 100sq. metres or more of floorspace (net gain), including residential extensions, although exemptions/relief can be sought for self-build developments and affordable housing.

7.11.2 The application site is within 'Area A' within which there is a charge of £180 per sq. metre (plus indexation) of residential development.

## 7.12 Biodiversity

7.12.1 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.

7.12.2 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. 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.

7.12.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected because of the application. The application site consists of garden land, and it is not considered that biodiversity or ecology would be harmed by the development.

## 7.13 Mandatory Biodiversity Net Gain

7.13.1 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

7.13.2 The application is accompanied by a Biodiversity Net Gain Assessment and Biodiversity Metric. The metric confirms that there is an existing baseline of 0.0294 habitat units. The proposed on-site BNG provision would equate to 0.0502 habitat units, which would represent a 70.74% net gain, exceeding the 10% requirement. Given that the site will be entirely private residential land, the provision of on-site BNG would not be acceptable, as it would not be possible to monitor over the 30-year period.

7.13.3 The applicant has therefore provided details that they will enter a contact with an off-site provider to satisfy the 10% net gain requirement. The LPA are satisfied with the information provided by the applicant in this regard.

## 7.14 Titled Balance

7.14.1 The LPA cannot currently demonstrate a 5-year housing land supply, and therefore the requirements of the NPPF (2024) is required to be considered. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking that if the policies which are most important for determining the application are out-of-date (which includes where the LPA cannot demonstrate a five year supply of deliverable housing sites) then planning permission should be granted unless i) the application of policies in this Framework that protect areas or assets of particular importance provides clear reason for refusing the development proposed or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.14.2 Whilst the titled balance is not engaged as the recommendation is to grant planning permission, there are notable material considerations which do weigh in favour of the development, such as the contribution to the shortfall in housing locally and nationally and

the economic benefits through the construction phase and future occupiers contributing to the local economies.

## **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: TRDC-01 (Location Plan), TRDC-02 (Block Plan), AL010 H, AL011 J.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM4, DM6, DM8, DM10, DM11 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policy SA1 of the Site Allocations LDD (adopted November 2014) and the NPPF (2024).

- C3 No development shall take place until evidence in writing has been provided to the Local Planning Authority demonstrating that the two car parking spaces as shown on drawing number TRDC-02 (Block Plan) on the site of the new dwelling (referred to as 9a Ashleys) can be accessed via the access road to the garage site to the north of Ashleys, by vehicular traffic for all purposes connected with the development permitted, lawfully, permanently and without restriction and the Local Planning Authority has confirmed in writing its receipt of such evidence establishing that right of way.

Once the abovementioned evidence is established and agreed, the parking spaces shall be laid out and made permanently available for the use of the new dwelling, hereby permitted, prior to its first occupation.

Reason: To ensure the approved parking provision can be lawfully accessed to ensure an acceptable level of on-site parking for the new dwelling and in the interests of highway safety in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the commencement of works above ground level, samples and details of the proposed external materials and finishes, including details of windows, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed only in accordance with the details approved by this condition.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 Prior to first occupation of the new dwelling hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted and all soft landscaping shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species, for a period for five years from the date of the approved scheme was completed.

Reason: In the interests of visual amenity in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 Prior to the first occupation of the dwelling hereby permitted, details indicating the position, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation and carried out in accordance with the approved details.

Reason: To safeguard the visual amenities of neighbouring properties and the character of the locality 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).

- C7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide details for:
- i. parking of vehicles of site operatives and visitors
  - ii. construction of access arrangements including the routing of vehicles
  - iii. loading and unloading of plant and materials
  - iv. storage of plant and materials used in constructing the development
  - v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - vi. wheel washing facilities
  - vii. measures to control the emission of dust and dirt during construction
  - viii. a scheme for recycling/disposing of waste resulting from demolition and construction works
  - ix. Details of any temporary refuse and recycling collection arrangements which ensure refuse and recycling collection access are available to all occupied properties at each stage of the works.

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

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

- C8 The development hereby permitted shall be implemented in accordance with the details of the submitted energy statement prior to the occupation of the development and shall be permanently maintained thereafter.

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

- C9 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

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

Class B – roof additions

Reason: To ensure adequate planning control over further development, and to ensure adequate parking provision, having regard to the visual amenities of the locality, the residential amenity of neighbouring occupiers 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).

### **Informatives**

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](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@threeivers.gov.uk](mailto:cil@threeivers.gov.uk)). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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

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

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

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

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

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

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

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

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

Based on the information available, this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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

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

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

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

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

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

- 15 The applicant must contact the Council's Land and Property department prior to the commencement of any works and satisfy the above conditions relating to parking and access.